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ABSTRACT

Designed to promote and facilitate educational opportunities at the local level for prospective guardians, this manual outlines a model course to introduce the concept of guardianship to persons interested in serving as legal guardians. First, introductory material describes the purpose, content, and development of the model course. Next, a course description states the general course objectives and provides an overview of the eight course sessions, which are: (1) Introduction to Guardianship and Using Volunteers as Guardians; (2) Legal Issues in Guardianship; (3) Medical Aspects of Guardianship; (4) Psychiatric Aspects of Guardianship; (5) Special Topics, including guardianship for developmentally disabled, children and adolescents, and substance abusers; (6) Designing and Implementing a Care Plan for the Ward; (7) Duties of the Guardian; and (8) a wrap-up, problem-solving session. A detailed outline is then provided for each of the sessions. The manual includes a description of the Volunteer Guardian Program of Lutheran Ministries of Florida; a course evaluation form; Florida State regulations concerning guardianship; a fact sheet on senile dementia; and a bibliography. (LAL)

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THE HILLSBOROUGH COUNTY GUARDIANSHIP COMMITTEE

PRESENTS

"HOW TO BE A GUARDIAN"

A MODEL CURRICULUM

DEVELOPED IN CONJUNCTION WITH

HILLSBOROUGH COMMUNITY COLLEGE

JC 840 627

UNIVERSITY OF SOUTH FLORIDA

SUNCOAST GERONTOLOGY CENTER

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PREFACE

The Division of Community Services at Hillsborough Community College offers, as a part of its continuing education services, a non-credit training course in Guardianship. The overall designed is to provide a structured educational experience for the guardian in dealing with the obligations and responsibilities involved in being a guardian.

This manual represents a joint community effort to provide an additional resource to guardians and trainers of guardians. We are especially grateful to the contributors, the University of South Florida Suncoast Gerontology Center and the Hillsborough County Guardianship Committee, for the significant part they played in bringing about this manual.

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INTRODUCTION

This manual outlines a model course for persons interested in serving as legal guardians in the State of Florida and is being disseminated with the goal of promoting and facilitating educational opportunities at a local level for prospective guardians. The training package is designed to serve as an introduction to the concept of guardianship as defined by Chapter 744 of the Florida Statutes, but it is recognized that it will be imperative for each community to individualize the content to fit the unique characteristics of that locale. The manual, therefore, includes suggested topics as well as outlines of the content of each topic which a coordinator knowledgeable of local guardianship practices can use as a basis for designing a training program.

The content of the manual is broad in its scope in order to address the needs of a diverse audience including those who intend to practice as professionals, those who contemplate serving a family member or friend, and those who desire to assist through volunteer guardianship programs. It is <u>not</u> designed to train health or social service professionals in the use of, or issues surrounding, guardianship and its alternatives, nor is it designed to serve as a more general "care of your aging parent" course. It is intended to provide prospective guardians with basic, practical information on a variety of topics which will aid them in their role as guardians. The course does not make participants into social service, health care, or legal professionals, but should facilitate interaction with or better utilization of these professions due to

increased understanding and thus enhanced communications. The content is focused on the aging population to some extent due to the fact that the elderly are a population at high risk of adjudication. In fact, in Hillsborough County in 1983, 80% of those adjudicated were aged 60 and over and half were over 75 years of age.

The course was developed at the suggestion of the Hillsborough County Guardianship Committee, a group of professionals representing the fields of law, medicine, social work, mental health and gerontology. As part of a project to recruit and train volunteers to serve financially limited individuals in need of a legal guardian, they recognized a need within the community for training of all prospective guardians and so, with the aid and sponsorship of Hillsborough Community College's Division of Community Services and the University of South Florida Suncoast Gerontology Center, offered a formal class in March 1984. The response of the community was overwhelming and thus spurred not only repeated introductory classes, but also the development of this curriculum in hopes that others may profit from Hillsborough County's efforts. Participants evaluating the first course expressed interest in ongoing education once the initial class was completed in order to go more in depth on certain topics and explore subjects not covered in this introductory class. The Committee recognizes this need and hopes to respond to it, and although it is beyond the scope of this current project, points out this expressed interest as being of possible use to other communities around the State.

HOW TO BE A GUARDIAN
A MODEL CURRICULUM DEVELOPED BY
THE HILLSBOROUGH COUNTY GUARDIANSHIP COMMITTEE
THE UNIVERSITY OF SOUTH FLORIDA SUNCOAST GERONTOLOGY CENTER
AND
HILLSBOROUGH COMMUNITY COLLEGE-DIVISION OF COMMUNITY SERVICES
MARCH, 1984

GENERAL COURSE OBJECTIVES:

To acquaint interested individuals with the concept of guardianship and provide them with an understanding of how this system works, its implication., alternatives, and surrounding issues.

To teach specific needed skills and sensitivities to persons who contemplate serving in the role of guardian, whether as family members, paid professionals, or volunteers.

SESSION ONE

A. INTRODUCTION TO GUARDIANSHIP. This class will discuss what guardianship is, how it is done, its implications for the ward, and the potential benefits and major limitations of the system.

B. USING VOLUNTEERS AS GUARDIANS. Clients without families locally and without sufficient funds to pay a private guardian are in need of assistance. This component serves as a introduction to a newly developed concept in which a non-profit agency is appointed guardian and volunteers are utilized to serve the needs of the individual under professional supervision.

SESSION TWO

LEGAL ISSUES IN GUARDIANSHIP. This will include a discussion of the legal responsibilities and liabilities of the guardian and the role of the attorney of record and the role of the attorney representing the alleged incompetent. Also discussed will be procedures for restoration of rights and alternatives to guardianship.

SESSION THREE

MEDICAL ASPECTS OF GUARDIANSHIP. The medical factors that can cause functional impairment and the multiple causes of memory loss will be discussed as will recognizing and diagnosing acute illness in impaired persons, the effects of hospitalization, and the factors influencing decisions about treatment and placement.

SESSION FOUR

PSYCHIATRIC ASPECTS OF GUARDIANSHIP. This presentation will focus on the human needs of the ward and will include information about psychiatric diagnoses and medications, factors related to impaired functioning, the treatment potential of mental health problems, mental health services available in this county, and handling psychiatric emergencies.

SESSION FIVE

SPECIAL TOPICS. Presentations on populations potentially served by guardianship and their special needs, including developmentally disabled, children and adolescents, and substance abusers.

SESSION SIX

DESIGNING AND IMPLEMENTING A CARE PLAN FOR THE WARD. The types of services available in the community will briefly be described, with emphasis on ways of entering the service system when needed.

SESSION SEVEN

DUTIES OF THE GUARDIAN. A discussion of the role of guardian from the perspective of a person who serves in the capacity. There will be information on needed skills and sensitivities for interacting with the ward, the family and service providers as well as instructions on accounting and reporting procedures.

SESSION EIGHT

WRAP UP.

A. PROBLEM SOLVING SESSION. Participants will have time for addressing specific types of problems or sharing cases with which they are familiar for group discussion and problem solving.

B. A final time for questions and answers as well as to complete the course evaluation forms.

COURSE CONTENT DESCRIPTION
SESSION ONE
INTRODUCTION TO GUARDIANSHIP

I. Defining the Concept

A. Legal Process transferring control of a person and/or his property to someone else
   1. Historical perspective
      a. Parens Patriae
      b. Property management
   2. State to state differences
   3. Involuntary guardianship in Florida
      a. Based on physical or mental impairment
      b. Establishes guardian of person
      c. May establish guardian of property
      d. Not a limited process except for developmentally disabled

B. Goals of such a system
   1. Providing care for and protecting individuals who are incapable of caring for themselves
   2. Preserving assets of those incapable of property management
   3. Assuring dignity and self-respect for impaired individuals
   4. Restoration

II. Understanding the System

A. Criteria for establishment
   1. Not an emergency procedure
   2. Alternative of last resort
   3. Factors which may precipitate filing

B. Defining incompetency
   1. Legal criteria vs. social criteria
   2. Subjects of guardianship
   3. Hillsborough County statistics

C. Procedures for filing
   1. Who can file
   2. Content of filing
   3. Hearing date set
   4. Notice to alleged incompetent
   5. Notice to all known kin

II. Understanding the System

D. The examination
   1. Composition of examining committee
   2. Content of examination
   3. Written report to court

E. The hearing
   1. Role of examining committee
   2. Role of attorney of record
   3. Role of petitioners
   4. Presence of alleged incompetent
   5. Legal representation of the alleged incompetent
   6. Appointment of guardian
      a. Who can be appointed
      b. Contested situations

F. Financial costs
   1. Filing fee
   2. Court costs
   3. Examining committee fees
   4. Legal fees
   5. Letters of guardianship

III. Focusing on the Ward

A. Removal of legal and civil rights
B. Defining the human rights of the ward

IV. Role of the Guardian

A. Person
   1. Placement
   2. Treatment and rehabilitation

B. Property
   1. Managing the income
   2. Managing the assets

V. Issues of Guardianship

A. The pre-hearing exam
   1. Team composition
   2. Diagnostic vs. functional assessment
   3. Adequacy and uniformity of the exam
   4. Reporting options
   5. Client refuses exam

B. Legal representation for the alleged incompetent

V. Issues of Guardianship (Continued)

C. Limited guardianship
D. Selecting the guardian
E. Acountability of guardian
   1. Guardian of the person
   2. System of handling complaints
F. Serving the institutionalized
G. Lack of guardians for non-paying cases
H. Using volunteers as guardians

ADDENDUM TO
SESSION ONE
USING VOLUNTEERS AS GUARDIANS

Lutheran Ministries of Florida, a statewide social service arm of the major Lutheran churches, has chosen guardianship as a service to the poor in two of its area agencies. The first program began in Pinellas County in January, 1982, participated in the state Pilot Project during 1983, and now serves approximately ninety clients. The Hillsborough County program began in July, 1983, hired a staff person in April, 1984, and has a capability of twenty cases until further funding is secured.

Referrals to the Volunteer Program are thoroughly screened by Adult Protective Services to insure that all alternatives are explored and that the prospective wards are indeed indigent, with no one else available to serve.

Long-range plans of the agencies include (in Hillsborough County) the development of a Guardianship Association, acceptance of a few fee-generating cases, and continued cooperation with the Hillsborough County Guardianship Committee.

Volunteer Guardian Program of Lutheran Ministries of Florida

Suncoast Lutheran Ministries (Pinellas County)
Tampa Area Association (Hillsborough County)

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A COMMUNITY MODEL
VOLUNTEER GUARDIAN PROGRAM
LUTHERAN MINISTRIES OF FLORIDA
SUNCOAST LUTHERAN MINISTRIES (PINELLAS)
TAMPA AREA ASSOCIATION

I. PURPOSE OF PROGRAM

The LMF Guardianship Program is designed to:

a. Provide legal guardianship services to individual adults for whom no one else is available to serve.

b. Assist congregations to prevent the need for guardianships by strengthening the congregation's ability to care for persons informally.

c. Advocate for the dignity and rights of incompetent persons.

II. LMF GUARDIAN PROGRAM OVERVIEW

a. WHAT IS A GUARDIAN?

A guardian is the court-appointed representative for an incompetent individual, or for someone competent who voluntarily requests assistance.

b. WHO NEEDS A GUARDIAN?

When a person becomes unable or unwilling to effectively manage his business affairs or personal care, the court has the capacity to appoint a representative to carry out these duties. A guardian of person must be appointed and a guardian of property may be appointed.

c. HOW GREAT IS THE NEED?

Florida has the greatest need of the whole nation for persons to serve as legal guardians. In Pinellas County, approximately 50 persons are placed in legal guardianships each month and more would be if guardians were available. Hillsborough County has approximately two thirds and that amount, of whom the majority are elderly. Especially needed are guardians for poor people who have no estate from which to pay a guardian's expenses or for mental patients who have no one to oversee and advocate for their well being.

d. WHY SHOULD LMF GET INVOLVED?

As an association of churches we are bound by the command of Christ to

d. WHY SHOULD LMF GET INVOLVED? (CONTINUED)

love one's neighbor as one's self and to act as though our neighbor were Christ himself. People in need of guardianship care are our neighbors and their need is great. We are not to ignore such an implicit call to ministry.

e. WHAT DOES LMF OFFER?

Following training, volunteers are assigned to persons needing guardianship care. The volunteer then proceeds to prudently organize the ward's affairs according to legal and programmatic guidelines.

Supervision and casework management provides volunteers by LMF's Guardianship Coordinator. Office support includes management of banking and applications for benefits for those wards for whom Guardianship of property is held. Files on every case are maintained at the office.

Scheduled training events and sharing sessions will be held to compare notes with other volunteers and discuss questions and situations that have arisen. The guardianship program is a team effort between volunteers and the LMF staff.

f. HOW CAN I GET INVOLVED?

Potential volunteers must submit a Volunteer Registration Form, be interviewed by the Guardian Coordinator and participate in training. Following training, volunteers will be appointed to wards on the basis of geographic and personal considerations.

III. RECRUITMENT OF VOLUNTEERS

Volunteers to serve as guardians, substitute guardian or on guardian teams will be recruited through churches (Pastor's recommendation, church announcements, publications, temple talks), Volunteer Action Center, public media (T.V. radio, newspapers), individual referrals and through the activities of the Volunteer Coordinator.

IV. SCREENING

a. Screening of volunteers will be conducted by the LMF staff.

b. Important skills sought in volunteers include assertiveness, compassion, health, good judgement, mobility via car and personal stability.

c. Ongoing evaluation of volunteers will be done via support meetings, personal conferences and observation of guardianship activities.

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IV. SCREENING (CONTINUED)

d. If for health or other reasons a volunteer is unable to continue, a change may be made at the discretion of the Coordinator and/or Volunteer Coordinator.

V. MAKING ASSIGNMENTS

a. In selecting a volunteer or volunteers for a case, the staff will consider factors as:

1. Situation and needs of ward
2. Skills of volunteer including health and emotional makeup
3. Personalities of ward and volunteer
4. Age and interest similarities
5. Geographical proximity
6. Time flexibility
7. Religious beliefs and sensitivities

b. After careful consideration, the volunteer's) is selected as follows:

1. Assignment is offered to volunteer(s)
2. Staff and volunteer(s) discuss the case
3. If case is accepted, further information is provided
4. Individual and team roles are defined
5. Volunteer appears at hearing, if possible
6. Activity Reports are initiated

VOLUNTEERS

1. GENERAL

a. Attend hearing; get two (2) certified copies of letters of Guardianship.

b. Make arrangements with LMF office for distribution of appointment papers and SLM credentials.

1. GENERAL (CONTINUED)

c. Visit the ward, at least twice monthly. This is the only way you will be able to supervise the ward's own care of himself/herself (if at home), or the quality and quantity of the care administered in another facility.

d. At no time may a volunteer accept a gift from a ward or realize any personal financial gain from a ward for the care rendered.

e. If at any time it is determined that a ward may possibly be restored to competency, make every effort to do so.

f. Volunteers must realize the importance of confidentiality regarding all matters concerning a ward. Cases should not be discussed casually, preferably remaining within the guardianship team, but in no case with anyone outside the program.

g. At all times advocate for the needs of the ward.

h. An activity Log of visitation and services provided for the ward shall be maintained.

i. Keep the office informed any time you will be unavailable to serve your ward. The office can help you find a "fill in" volunteer, but it is best if you make the contact yourself as you have "key" information that can help your substitute make any decisions that may arise during your absence. It would be best if you can introduce your substitute to your ward before you leave to reassure him and make the change smoother for all concerned.

j. If you are substituting for another volunteer, be sure to give this information to the appropriate person at the facility.

k. When making your initial visit to a care facility, stop at the office and give them a copy of your appointment papers and request it be kept in the ward's file. Make yourself known to the nursing staff and work with them in the care and planning for your ward.

l. Discuss with your ward their religious preference and follow through as indicated. Some nursing homes have a clergyman on staff. Check this possibility also.

m. Make contact with the ward's family and close friends. keep them informed of the ward's progress and decisions made on his behalf. When it becomes necessary to inform them of your ward's death, do so with as much tact and understanding as possible. it is especially hard for families that are some distance away.

1. GENERAL (CONTINUED)

n. In order to maintain accurate records, keep notes or copies of correspondence with family and friends, as well as professional personnel such as doctors and lawyers.

o. When your ward is discharged from a hospital, ask for a copy of the discharge summary. This will be valuable to you and will contain information about diagnosis and treatment the ward may have had in the hospital.

p. Assist the LMF office in the preparation of the Annual Accounting.

q. Work with the social worker of the referring agency and at the care facility for the best interests of the ward.

r. The office in Pinellas County maintains an after hours, call forwarding system in the office. At night and on weekends, all calls into the LMF office are forwarded to Lutheran Apartments. They will take messages to relay to the staff the next morning or if in an emergency they will contact the Tampa office, because of a smaller caseload, provides the facilities with night and emergency numbers, so that either the volunteer or staff are available for immediate attention.

s. Mileage will be reimbursed at $.20 a mile as will other legitimate expenses. Reporting will be done monthly on forms provided by the office.

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ACTIVITY CODE

1) Living Situation
2) Activities
3) Functional Status
4) Nutritional Status
5) Medical Status
6) Intellectual Functioning
7) Services & Social Support
8) Financial Status
9) General Indirect Service

GUARDIAN ACTIVITY REPORT

VOLUNTEER: _____

DATE: _____

SESSION TWO
LEGAL ISSUES IN GUARDIANSHIP

I. Legal Responsibilities

A. Guardian of the person
   1. Assure appropriate living situation
      a. May be discussed at hearing
      b. Can be done by formal petition of questioned
      c. Least restrictive alternative
      d. Respect ward's wishes on past life style if financially or medically appropriate
   2. Assure appropriate care and treatment
   3. Obtain annual medical exam
   4. File annual report which states location of ward and all residences with the past year along with doctor's report.

B. Guardian of the property
   1. Locate and inventory assets (real estate, bank accounts, cash, stocks, items of value, etc.) within sixty days
   2. File will
      a. Notification of heirs
      b. Prioritization of items to sell
   3. Fiduciary role . . . property management
      a. Prudent man standard
      b. Responsibility to try to increase value of assests
      c. Obligation to keep property in good repair
      d. Permission of court needed to invest, sell property
         (1) stocks generally not accpectable investment form
         (2) guardian, attorney, appraiser and their families cannot purchase assests of ward
         (3) Ward's family must be notified before real estate is sold
   4. Keep accurate records of income and expenses
      a. Separate account through which all transactions are handled
      b. Receipts for all cash spent
   5. File annual report
   6. Petition for fees annually
      a. Reasonable fee determined by judge based on size of estate and nature of duties
      b. Attorney or record also petitions for payment from ward's estate
      c. Attorney for indigent clients is paid out of general court fund

II. Liability

A. Requirements for being bonded
   1. Bonded for size of estate
   2. Cost of bond born by ward's estate
B. Potential liabilities for breach of fiduciary duty
   1. Ward can bring suit
   2. Representatives of ward's estate can bring suit
   3. Punitive damages can exceed bond if legal system finds crime excessive or wanton

III. Role of Attorney of Record

A. Advise and counsel petitioners
B. File for evaluation of competency
C. Represent petitioners at hearing
D. File for appointment of guardian
E. Advise and counsel guardian regarding responsibilities and liabilities
F. Represent guardian in petitioning court
   1. Placement
   2. Treatment
   3. Property disposal
   4. Emergency situations
   5. Fees
   6. Restoration
G. Assist in filing annual report

IV. Role of Attorney for the Alleged Incompetent

A. Right to legal representation if requested
B. Rarely does representation occur
C. Responsibilities
   1. Visit ward and determine need for guardianship procedures
   2. Oppose guardianship if not indicated through introduction of testimony
   3. Ensure ward's rights are not violated
   4. Ensure appropriate placement

V. Restoration

A. Should be goal toward which all guardianships strive
B. Initiation
   1. Physician
   2. Guardian
   3. Ward by letter to court since he/her cannot contract with attorney
C. Procedures

V. Restoration (Continued)

D. Role of guardian after restoration
   1. Reorientation of ward
   2. Reopening accounts in ward's name
   3. Reestablishment of normal life
   4. Final accounting

VI. Alternatives to Guardianship

A. Understanding types of options available
   1. Legal
      a. Power of attorney
      b. Durable family power of attorney
      c. Voluntary guardianship
      d. Living trusts
   2. Income specific options
      a. Social Security Representative Payee
      b. Veterans Administration guardianship
   3. Social services
      a. In-home support services
      b. Bill paying assistance
      c. Supportive living arrangements
B. Appropriate use of guardianship and alternatives
C. Benefits and limitations of each system

VII. Additional Legal Mechanisms With Which the Guardian Needs to be Familiar

A. Florida Mental Health Act (Baker Act)
   1. Areas covered
      a. Emergency admissions
      b. Court-ordered evaluation
      c. Involuntary hospitalization
   2. Procedures for instituting locally
   3. Applicability to the guardian
B. Comprehensive Alcoholism Prevention, Control, and Treatment Act (Meyers Act)
   1. Areas covered
      a. Voluntary treatment
      b. Emergency commitment
   2. Procedures for instituting locally
   3. Applicability for the guardian
C. Adult Protective Services Act

SESSION THREE
MEDICAL ASPECTS OF GUARDIANSHIP

I. Importance of Guardian's Role in Assuring Appropriate Medical and Psychiatric Care.

A. Seek sources of medical history and past treatment.
B. Assure that in addition to medical treatment, attention is paid to restoring the ward to their pre-illness level of function. (i.e. activities of daily living skills may disappear quickly in hospitalization of an acute illness.)

II. Visiting the Physician

A. Utilize ward's physician due to familiarity with the case, unless there are problems or services are deemed inadequate.
B. Orient physician to your role and responsibilities as guardian.
C. Understanding the different roles and responsibilities of primary care physicians and specialists.
D. Organizing the visit
   1. Notify doctor of symptoms or any change in condition or behavior
   2. Make a list of questions before seeing doctor so that all concerns receive attention.
   3. Bring to the appointment medications patient takes, both prescribed and over-the counter, including those prescribed by other physicians.
E. Serving as a patient advocate

III. Understanding Memory Loss in the Aged

A. The myth of "senility"
B. Effects of loss of cerebral function
   1. Loss of memory
      a. Short term memory
      b. Long term memory
   2. Loss of intellectual capacity
   3. Loss of orientation
   4. Loss of judgement capabilities
   5. Changes in affect
C. Reversible causes of memory loss
   1. Drugs and medications
   2. Emotional factors such as depression
   3. Metabolic disorders
      a. Liver
      b. Kidney
      c. Thyroid

III. Understanding Memory Loss in the Aged (Continued)

C. Reversible causes of memory loss (Continued)
   d. Diabetes
   4. Environment
      a. Changes such as moves or hospitalization
      b. Less contact with others due to sensory changes
   5. Nutrition
   6. Neurological disorders
   7. Trauma to the head
   8. Tumors
   9. Infection
   10. Alcohol

D. Irreversible dementias
   1. Alzheimer's disease
      a. Frequency of occurrence in the aged (10% of 65+)
      b. 4/5 of all progressive dementias are attributed to Alzheimer's disease
   2. Multi-infarct dementia

IV. Common Complaints/Symptoms in the Aged

A. Sleep disturbance
   1. Normal aged-related changes
   2. Sleep Apnea syndrome
   3. Depression/Anxiety
   4. Dementia
   5. Social/environmental factors
   6. Alcoholism
   7. Medications

B. Difficulty in walking/controlling posture
   1. Disorders attributed to aging
   2. Disorders resulting from focal contico-spinal damage
   3. Gait disorders accompanied by deficits in sensory input, in peripheral nerves, and in muscles
   4. Degenerative diseases

C. Faints, falls, and accidents
   1. Predisposing normal aging changes
   2. Environmental/social causes
   3. Disease factors
   4. Pathological Gaits
   5. Drugs
   6. Memory and mood disorders

D. Constipation
   1. Life-style factors
   2. Predisposing age-related changes

IV. Common Complaints/Symptoms in the Aged (Continued)

D. Constipation (Continued)
   3. Illnesses
   4. Drugs
   5. Memory/mood disorders

E. Incontinence
   1. Urinary
      a. Predisposing aging factors
      b. Environmental/life style factors
      c. Medical causes
      d. Cognitive/mood disorders
      e. Urinary retention
   2. Fecal
      a. Environmental/life style factors
      b. Illnesses
      c. Fecal impaction
      d. Cognitive and psychiatric disorders

F. Appetite disturbances/weight changes
   1. Social/environmental
   2. Mood and cognitive disorders
   3. Illnesses
   4. Malnutrition
   5. Malabsorption
   6. Drugs
   7. Alcoholism

G. Hypothermia
   1. Endogenous causes
   2. Exogenous causes

H. Fatigue
   1. Metabolic disorders
   2. Nutritional deficiencies
   3. Environmental/life style factors
   4. Depression
   5. Cardio-vascular problems
   6. Respiratory difficulties
   7. Chronic infection
   8. Anemia

I. Aches, pains, stiffness
   1. Predisposing normal aging factors
   2. Degenerative diseases
   3. Mood disorders
   4. Immobility and weight
   5. Other illnesses

IV. Common Complaints/Symptoms in the Aged (Continued)

J. Tremors
   1. Multiple types and causes
      a. Anxiety/hyperthyroidism
      b. Cerebellar causes
      c. Senile or essential tremor
      d. Metabolic tremor
      e. Drug/alcohol induced
   2. Parkinson's disease

K. Skin problems
   1. Predisposing normal aging processes
   2. Itching
   3. Ulceration
   4. Spots and nevi
   5. Bruising

L. Sensory impairments
   1. Predisposing normal aging processes
   2. Glaucoma
   3. Cataracts
   4. Innitus
   5. Ostosclerosis
   6. Excessive wax accumulation
   7. Presbycusis

V. Difficulties Diagnosing Illness in the Aged Ward

A. Symptoms not reported due to cognitive loss
B. Symptoms not reported due to assumption that changes are normal
   1. Sensory changes
   2. Arthritis and stiffness
      a. Osteoarthritis
      b. Rheumatoid arthritis
      c. Effects of immobilization
      d. Benefits of exercise and physical therapy
C. Symptoms not reported due to embarrassment
   1. Incontinence
      a. Treatable causes
      b. Limits activities
   2. Falls
      a. Need for prevention
      b. Need for environmental modifications
D. Differential presentation of illness in the aged
   1. Examples of illnesses
      a. Pneumonia
      b. Heart attacks

V. Difficulties Diagnosing Illness in the Aged Ward (Continued)

D. Differential presentation of illness in the aged (Continued)
2. Common typical symptoms
a. Confusion
b. Falling

VI. Prevention and Health Promotion

A. Exercise
B. Nutrition
1. Well balanced,regular meals
2. Dentition
C. Proper use of medications

SESSION FOUR
PSYCHIATRIC ASPECTS OF GUARDIANSHIP

I. Incompetence and Mental Illness

A. Incompetence does not equal mental illness mental illness does not necessarily equal incompetence. Incompetence is based on impaired functioning and so may include the physically frail in need of custodial care and the psychiatric patient whom disorder significantly impairs his functioning.

B. Examples of impaired functioning
   1. memory loss
   2. Cognitive dysfunctions
   3. Disorientation
   4. Delusional
   5. Easily confused or distracted
   6. Unpredictable or bizarrie behavior
   7. Emotionally unstable with exaggerated or inappropriate responses

II. Implications and Management of Common Emotional/Psychiatric Disorders of the Ward

A. Schizophrenia
B. Manic/depressive
C. Dementia
D. Alcoholism
E. Psychosis
F. Depression
G. Anxiety
H. Abnormal grief
I. Hypochondriasis
J. Paranoia
K. Paraphrenia

III. Common Adjustment Reactions in the Aged

A. Widowhood
B. Marital problems
C. Sexual problems
D. Retirement

IV. Meeting the Emotional Needs of the Ward

A. The need to be informed
   1. How to reach guardian

IV. Meeting the Emotional Needs of the Ward (Continued)

A. The need to be informed (Continued)
   2. What has, is, and will happen to ward
   3. Contact with family and friends

B. Beyond physical needs
   1. Shelter is more than a roof
      a. Safety and security
      b. Past life style
   2. Food is more than nutrition
      a. Lifelong habits and tastes
      b. Meals that are appealing and enjoyable to see and taste
      c. Socialization at meal time
   3. Personal hygiene and self-esteem
      a. Cleanliness
      b. Lifelong preference for clothing and hair style
   4. Preventative medical care
      a. Dental exams
      b. Eye exams
      c. Foot care

C. The need for identity
   1. Dignity
      a. How to address the ward
      b. Responding to requests
   2. Privacy
   3. Respect
   4. Sexuality and the need to be touched
   5. The need for control

D. Values
   1. Religion
   2. Death and dying
   3. Lifestyle
   4. Economics

SESSION V
SPECIAL TOPICS

The following are potential areas of discussion for this session which may arise from ideas generated during sessions I - IV:

1. Guardianship of minors
2. Limited guardianship for mentally/developmental disable (chapter 393.12)
3. Mental health treatment for the incompetent adult
4. The fiduciary relationship
5. Medicare, Medicaid, VA benefits
6. SSA/SSI
7. Restoration of the ward - who, when, how
8. The advocacy role
9. The least restrictive alternative

Guest speakers in special interest topics are suggested for this section. No detailed outline has been developed so that the specific interest areas of the class may be addressed.

SESSION SIX

DESIGNING AND IMPLEMENTING A CARE PLAN FOR THE WARD

I. Assessing the Ward's Impairments and Needs

A. Areas to assess for strength as well as weakness
   1. Physical health
   2. Emotional/mental health
   3. Economic resources
   4. Social resources
   5. Self care skills
   6. Environment
   7. Transportation

B. Sources of information
   1. Ward
   2. Guardian
   3. Family, friends, caregivers
   4. Professional assessment by social work for health care professional

C. Prioritizing needs

II. Deciding on Appropriate Service goals

A. Does ward need supportive services which would meet his needs without attempting to improve his abilities to meet them himself? For example, making sure that ward receives fully prepared meals.

B. Would ward benefit from therapeutic services which are designed to improve client's condition and foster self-care capabilities? Examples would be rehabilitative therapy for the patient who cannot cook due to damage from a stroke or cooking lessons for the person who has depended on someone else to cook and so lacks the skill that is necessary to perform this task independently.

C. Would the ward benefit from preventive services ranging from exercise to relocation in a more supportive or appropriate environment? The goal of such services is functioning and slow or prevent decline.

D. Would the ward benefit from quality-of-life services the goal of which is to promote happiness, life-satisfaction, and a sense of individuality and self-worth?

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III. Understanding Types of Services

A. For each area of need there are a variety of services available designed to do different things and funded from different sources including federal, state, local, private non-profit, and private proprietary. The following are given just as examples of what may exist:

B. Financial
   1. Social Security
   2. S.S.I.
   3. Veterans Administration
   4. Food stamps

C. Home support
   1. Homemakers
   2. Home health and nursing care
   3. Home-delivered meals
   4. Telephone reassurance
   5. Community care for the elderly
   6. Chore/home repair service

D. Medical
   1. Financial
      a. Medicare
      b. Medicaid
      c. Veterans Administration
   2. Services
      a. Health department
      b. Disease specific societies
      c. Help with medications
      d. Blind/deaf services

E. Socialization
   1. Day care
   2. Congregate dining
   3. Recreation services

F. Housing options
   1. Public housing
   2. Rent subsidies
   3. Federally subsidized loans to non-profit corporations (220, 230, etc.)
   4. Retirement hotels
   5. Share-a-home

G. Placement alternatives
   1. Adult Congregate Living Facilities (ACLF's)
   2. Foster homes
   3. V. A. Domicilliary

III. Understanding Types of Services (Continued)

G. Placement alternatives (Continued)
4. Nursing homes
a. Private pay
b. Medicare
c. Medicaid
d. Veterans Administration

IV. Identifying What is Available to Your Ward

A. Learning to access the local system
1. The system of services is a dynamic, ever-changing system with frequent shifts in program emphasis, funding availability, and eligibility requirements and each commity has its unique service network.

2. Rather than attempt to learn the many agencies and their functions and eligibility requirements there are sources of this information, "doors" into the service system, with which one should be familiar.
a. Information and referral lines or books
b. Health and Rehabilitative Services, state and local
c. Local "Area Agency on Aging"

B. Implementing the service
1. Is the ward able to pay for private services?
2. Determining the ward's eligibility for community services based on funding criteria or prioritization of service provision
3. There may be a waiting list for existing services
4. Be presistent and thorough in any investigation of community resources
5. Be creative and innovative, depending not just on what formally exists, but on resources you may be able to indentify informally or utilize in a unique fashion

V. Working With Ward on Accepting the Need and Utilizing the Service

VI. Practice Scenarios

A. Students are given specfic case descriptions and asked to design care plans. Instruction will include how certain services are listed in the phone book, how to use an Information and Referral book, and what questions to ask in contacting agencies. There will also be a discussion of how to involve the ward in this process, explain the need for services, and promote the ward's acceptance of service plan.

VII. Discussion

A. It is suggested that various agencies may be present at this session to give more background or detail on services available from their program.

SESSION SEVEN
DUTIES OF THE GUARDIAN/EXPERIENCES OF A GUARDIAN

I. Deciding to be a Guardian

A. Understanding the commitment. . .
B. Understanding the responsibilities. . 24 hour job
C. Familiarity with statutes
D. Contacts with social services agencies and service providers

II. Establishing Yourself as a Professional Guardian

A. Qualfications and importance of training
B. Contacts with court system
C. Contacts with attorneys
D. Contacts with social service agencies

III. Duties

A. Attend hearing
B. Meet ward and family
C. Deal with immediate needs
   1. Assure suitable living
      a. Safety and security
      b. Nutrition
      c. Supervision
   2. Secure property
      a. Simple. . change locks on house; removing perishables
      b. Complex
   3. Obtain emergency medical or psychiatric care as needed
   4. Assure care or placement of pets
D. Property management
   1. Inventory
      a. Locate bank books, birth certificate or proof of citizenship
      b. Change mailing address from residence and P.O. Box to guardian
      c. Change accounts to guardian accounts
      d. Change stocks and bonds to guardian's name
      e. Inventory safe deposit box
         1. Inventory with someone else present as witness
         2. Asuring an adequate search. . . what you may find and where
      g. Filing inventory
   2. Contact IRS and request 2 previous year's tax returns if there is a question of assets

III. Duties (Continued)

D. Property Management (Continued)
   3. Return driver's license to Tallahassee or notify them if license cannot be located
   4. How to keep accurate records
   5. Filing the annual report

E. Care of the person
   1. Establishing rapport with ward
   2. Establishing communication with family and care providers
   3. Determine care needs and see that they are met
      a. Medical/physical
      b. Psychiatric/emotional
      c. Social recreational
      d. Activities of daily living skills and degree of support needed
      e. Religious
      f. Personal needs
         1. Clothing
         2. Groom (haircuts, perms, shaves, etc.)
         3. Toiletries (shampoo, perfume, toothbrush, shaving cream, lotion, comb, brush, etc.
         4. Condition of prostheses and aids (glasses, hearing aids, dentures, etc.)
   4. Visitations
      a. Frequency and timing
      b. Nature of visit
   5. Annual medical exam
   6. Keeping a log of activities performed for ward and time spent (See sample guardian activity report in session 1)
   7. Annual report

F. Termination of guardian
   1. Filing to be replaced as guardian
   2. Restoration
   3. Death
      a. Accountable until final accounting
      b. Do not pay bills after death of ward
      c. Judge signs final release and holds final accounting hearing

IV. Skills

A. Communication
   1. Ward
   2. Friends and family
   3. Physician
   4. Service providers, institutional staff
   5. Attorney and judge

B. Personal characteristics
   1. Caring and empathy
   2. Good listening skills

IV. Skills (Continued)

B. Personal characteristics (Continued)
   3. Ability to love whether that person is "lovable" or not
   4. Patience
   5. Avoiding "burnout"
C. Community resources
   1. know the system
   2. Where to go for services
D. Creativity and ability to improvise
E. Accounting and bookkeeping skills

V. Miscellaneous Tips and Experience

A. Awarding of annual filing of fees
B. When can the guardian delegate their authority?
C. Professional liability insurance
D. Local customs, preferences of local judiciary, etc.
E. Other

SESSION EIGHT
WRAP UP

This session can be devoted to the expansion of previously discussed topics, questions, answers and comments. Subjects of individual interest may be encouraged during this time.

The instructor may choose to assign research topics during earlier sessions which could be summarized and presented during this time.

DEVELOPING A GUARDIANSHIP CLASS

There is no definite right or wrong way to implement a class on guardianship, but based on Hillsborough County's experience, there are several factors which must be considered in planning the class and a brief overview of these is included to aid in this process.

First, as was mentioned in the Introduction, this course is designed with a particular audience in mind and so care must be taken to target the audience as current or potential guardians and not try to simultaneously meet the needs of other groups such as professionals who are also seeking guardianship education. Attracting this targeted audience must be a prime consideration in selecting the site and time to hold class meetings, as well as selecting methods of publicizing the course. Locally, the Community College publicity resources were utilized, as were contacts with the court and with agencies frequently in contact with guardians and wards, but an even more successful tactic was use of the local media. News releases were prepared and sent to both major newspapers and neighborhood bulletins, and as a result, a newspaper interviewed the class instructor. Care must be taken however, when addressing a topic as potentially controversial as guardianship, to inform reporters that the interview will focus on the need for education of guardians only and not on issues surrounding guardianship in general.

Second, in identifying an instructor for this course it is essential to find someone with a working knowledge of guardianship at the local level, but it is not expected that he/she will be knowledgeable enough about each content area to address it in class. The instructor in the class in Hillsborough County served as a coordinator for the class and invited individuals from the community to address the class in their areas of expertise. Knowledge, however, is not the only factor to consider in inviting guest speakers. They must also be dynamic speakers, able to interact with the group and respond to questions.

This rapport with the class members is very important, and efforts to establish it should be made early. At the first meeting class members were asked to identify their interests and reasons for attendig so that the instructor/coordinator could ensure that those needs were met and could understand the basis for class members questions. What was initially envisioned as a small group interaction format had to be radically changed when, with no enrollment limitation, fifty-three people enrolled for the first session!

Finally, the participants were asked to evaluate the course. A sample of this form is included in the Appendices as a model only. The evaluation served not only to evaluate class response to presentors and topics, but also provided much input from which to develop on-going educational programs for guardians.

APPENDIX A:

Course Evaluation

Hillsborough Community College

HOW TO BE A GUARDIAN

Course Evaluation

Fall - 1984

Please share your constructive thoughts with us regarding this course.

(1) Rate each of the following presentations according to the usefulness of the material covered and the effectiveness of the presentation. Circle the number you feel is most appropriate according to the following scale:

5 - very good, 4 - good, 3 - Fair, 2 - Poor, 1 - Very Poor,
X - didn't attend

Session One							
a. Introduction to Guardianship	Content	5	4	3	2	1	X
Beverly Burton	Presentation	5	4	3	2	1	X
b. Using Volunteers as Guardians	Content	5	4	3	2	1	X
Faith Dunne	Presentation	5	4	3	2	1	X
Session Two							
c. Legal Issues in Guardianship	Content	5	4	3	2	1	X
Justin Clouser, Esq.	Presentation	5	4	3	2	1	X
Session Three							
d. Medical Aspects of Guardian-	Content	5	4	3	2	1	X
.ship, Bruce Robinson, M.D.	Presentation	5	4	3	2	1	X
Session Four							
e. Psychiatric Aspects of Guard-	Content	5	4	3	2	1	X
ianship, Pat Stuart	Presentation	5	4	3	2	1	X
Session Six							
f. Community Resources	Content	5	4	3	2	1	X
Beverly Burton	Presentation	5	4	3	2	1	X
g. Duties of a Guardian	Content	5	4	3	2	1	X
Terry Haddock	Presentation	5	4	3	2	1	X

(2) a. Were the handouts useful?

not useful 1 2 3 4 5 very useful

(Please feel free to comment on the content, presentation, style, level of difficulty, etc. of specific handouts in the space provided)

b. Were the films (session five) useful?

not useful 1 2 3 4 5 very useful

(3) Please list the best feature of this course.

(4) Please list the worst feature of this course.

(5) Why did you attend this course?

(6) Did the course meet your expectations and needs?

(7) Please list suggested topics for any future course on HOW TO BE A GUARDIAN.

(8) Other comments and suggestions:

APPENDIX B:

State Regulations

CHAPTER 744

GUARDIANSHIP

PART I GENERAL PROVISIONS (ss. 744.101-744.108)

PART II VENUE (ss. 744.201, 744.202)

PART III TYPES OF GUARDIANSHIP (ss. 744.301-744.308)

PART IV GUARDIANS (ss. 744.309-744.313)

PART V APPOINTMENT (ss. 744.331-744.357)

PART VI POWERS AND DUTIES (ss. 744.361-744.461)

PART VII TERMINATION (ss. 744.464-744.531)

PART I

GENERAL PROVISIONS

744.101 Short title.
744.1011 Effective date; substantive rights; procedures.
744.102 Definitions.
744.1025 Additional definitions.
744.103 Guardians of incompetent world war veterans.
744.104 Verification of documents.
744.105 Costs.
744.106 Notice and virtual representation.
744.107 Visitors.
744.108 Guardians' fee.

744.101 Short title.—This chapter may be cited as the "Florida Guardianship Law."

History.—s. 1, ch. 74-106.
Note.—Created from former s. 744.01.

744.1011 Effective date; substantive rights; procedures.—This act shall take effect January 1, 1976. The substantive rights of all persons that have vested prior to January 1, 1976 shall be determined as provided in former chapters 744-746, Florida Statutes, as they exist prior to January 1, 1976. The procedures for the enforcement of substantive rights which have vested prior to January 1, 1976, shall be as provided in this act.

History.—s. 27, ch. 75-222.

744.102 Definitions.—Unless the context requires otherwise, when used in this law:

(1) A "guardian" is one to whom the law has entrusted the custody and control of the person or property, or both, of an incompetent. "Guardian" may mean curator, conservator, or committee, if appointed in another state.

(2) A "guardian ad litem" is one appointed by a court in which particular litigation is pending to represent a ward in that litigation.

(3) A "foreign guardian" is one appointed in another state or country.

(4) A "testamentary guardian" is one appointed for the person or property, or both, of a minor child by the will of its parent.

(5) An "incompetent" is a person who, because of minority, mental illness, mental retardation, senility, excessive use of drugs or alcohol, or other physical or mental incapacity, is incapable of either managing his property or caring for himself, or both.

(6) A "minor" is a person under 18 years of age whose disabilities have not been removed by marriage or otherwise.

(7) "Property" means realty, personalty, and choses in action or any interest in them, legal or equitable, and also claims or rights of action arising in tort.

(8) A "ward" is an incompetent for whom a guardian has been appointed.

(9) "Limited guardian" means a person to whom the law has entrusted only the property of an incompetent that is received from sources other than the incompetent's wages or earnings.

(10) "Standby guardian" means a person empowered to assume the duties of guardianship or limited guardianship upon the death or adjudication of incompetency of the last surviving natural or adoptive parent of an incompetent.

(11) "Corporate guardian" means a corporation organized and existing under the laws of Florida and having trust powers.

(12) "Nonprofit corporate guardian" means a nonprofit corporation organized for religious or charitable purposes and existing under the laws of this state.

(13) "Estate" includes the property of a ward subject to administration.

(14) "Clerk" means the clerk or deputy clerk of the court.

(15) "Court" means the circuit court.

(16) "Next of kin" means those persons who would be heirs at law of the ward or alleged incompetent if such person were deceased and includes the lineal descendants of such ward or alleged incompetent person.

History.—s. 1, ch. 74-106; s. 2, ch. 75-222; s. 281, ch. 77-104; s. 1, ch. 79-221; s. 3, ch. 80-171.
Note.—Created from former s. 744.03.
cf.—s. 393.12 Competency; appointment of guardian advocate; s. 731.201 General definitions.

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744.1023 Additional definitions. The definitions contained in the Florida Probate Code shall be applicable to the Florida Guardianship Law, unless the context requires otherwise, insofar as such definitions do not conflict with definitions contained in this law

History . . ch 79 221

744.103 Guardians of incompetent world war veterans.—The provisions of this law shall extend to incompetent world war veterans, provided for in chapters 293 and 294 or any amendment or revision of them. The provisions of this law are cumulative to those chapters. Any conflict between chapters 293 and 294. or any amendment or revision of them, and this law shall be resolved by giving effect to those chapters.

History.—s 1. ch 74-106. s 2. ch. 75-222. s. 1. ch. 77-174.
Note.—Created from former s 744.06

744.104 Verification of documents.—When verification of a document is required in this chapter or by rule, the document filed shall include an oath or affirmation or the following statement: "Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief." Any person who shall willfully include a false statement in the document shall be guilty of perjury and upon conviction shall be punished accordingly.

History.—s. 1. ch. 74-106; s. 2. ch. 75-222.
Note.—Created from former s. 744.37.

744.105 Costs.—In all guardianship proceedings, costs may be awarded as in chancery actions. When the costs are to be paid out of the estate of the ward, the court may direct from what part of the estate the costs shall be paid.

History.—s. 1. ch. 74-106
Note.—Created from former s. 744.47.

744.106 Notice and virtual representation.—The provisions for notice and virtual representation in ss. 734.301, 731.302 and 731.303 are applicable to this chapter.

History.—s. 4. ch. 75-222.

744.107 Visitors.—The court may appoint a visitor to interview the ward and report to the court the well-being of the ward. The court shall not appoint as a visitor a family member or any person with a personal interest in the proceedings. Unless otherwise prohibited by law, a visitor may be allowed a reasonable fee as determined by the court and paid from the assets of the ward. No full-time state, county, or city employee or officer shall be paid a fee for such visitation and report.

History.—ss. 18. 26. ch. 75-222.

744.108 Guardians' fee.—A guardian of the person or of the property shall receive a reasonable fee for his services to be fixed by the court after such notice as the court shall require.

History—ss. 18. 26. ch. 75-222.

PART II

VENUE

744.201 Change of domicile of ward.
744.202 Venue

744.201 Change of domicile of ward.—The domicile of a resident ward is the county where the guardian of the person was lawfully appointed. For cause, the court may authorize a change of domicile of the ward.

History.—s. 1. ch. 74-106. s. 6. ch. 75-222.
Note.—Created from former s. 744.10

744.202 Venue.—

(1) The venue in proceedings for the appointment of a guardian shall be:

(a) If the incompetent is a resident of this state, in the county where the incompetent resides.

(b) If the incompetent is not a resident of this state, in any county in Florida where property of the incompetent is located.

(c) If the incompetent is not a resident of this state and owns no property in this state, in the county where any debtor of the incompetent resides.

(2) When the domicile of an incompetent is changed to another county, the guardian of the person of the incompetent may have the venue of the guardianship changed to the county of the acquired domicile.

History.—s. 1. ch. 74-106; s. 5. ch. 75-222.
Note.—Created from former s. 744.11.

PART III

TYPES OF GUARDIANSHIP

744.301 Natural guardians.
744.303 Limited guardianship.
744.304 Standby guardianship.
744.305 Nonprofit corporate guardianship.
744.306 Foreign guardians.
744.307 Foreign guardian may manage the property of nonresident ward.
744.308 Resident guardian of the property of nonresident incompetent.

744.301 Natural guardians.—

(1) The mother and father jointly are natural guardians of their own children and of their adopted children, during minority. If one parent dies, the natural guardianship shall pass to the surviving parent, and the right shall continue even though the surviving parent remarries. If the marriage between the parents is dissolved, the natural guardianship shall belong to the parent to whom the custody of the child is awarded. If the parents are given joint custody, then both shall continue as natural guardians. If the marriage is dissolved and neither the father nor the mother is given custody of the child, neither shall act as natural guardian of the child. The mother of a child born out of wedlock is the natural guardian of the child.

(2) The natural guardian or guardians are authorized, on behalf of any of their minor children, to settle and consummate a settlement of any claim or cause of action accruing to any of their minor children for damages to the person or property of any of

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said minor children and to collect, receive, manage, and dispose of the proceeds of any such settlement and of any other real or personal property distributed from an estate or trust or proceeds from a life insurance policy to, or otherwise accruing to the benefit of, the child during minority, when the amount involved in any instance does not exceed $5,000, without appointment, authority, or bond.

(3) All instruments executed by a natural guardian under the powers provided for in subsection (2) shall be binding on the ward.

History.—s. 1, ch. 74-106; s. 8, ch. 75-186; s. 7, ch. 75-222; s. 1, ch. 77-180; s. 3, ch. 79-22.
Note.—Created from former s. 744.13.

744.303 Limited guardianship.—

(1) When it appears to the satisfaction of the court that an incompetent is over the age of 18 years and wholly or substantially self-supporting by means of compensation from employment, the court may appoint a limited guardian of the property for the person to receive, manage, disburse, and account for only the property of the incompetent that is received from other than the incompetent's wages or earnings.

(2) An incompetent for whom a limited guardian of the property has been appointed shall have the right to receive and expend the compensation from his employment. He shall also have the power to contract or otherwise legally bind himself for any sum of money not exceeding 1 month's wages and earnings from his employment or $300, whichever is greater.

(3) A limited guardian shall have the same duties and responsibilities as are otherwise provided by law for guardians of property.

History.—s. 1, ch. 74-106; s. 7, ch. 75-222.
Note.—Created from former s. 744.71.

744.304 Standby guardianship.—

(1) Upon petition or consent of both parents, natural or adoptive, if living, or of the surviving parent, a standby guardian of the person or property of an incompetent may be appointed by the court. The court may also appoint an alternate to the guardian to act if the standby guardian shall renounce, die, or become incapacitated after the death of the last surviving parent of the incompetent person.

(2) The standby guardian or alternate shall be empowered to assume the duties of his office immediately on the death or adjudication of incompetency of the last surviving natural or adoptive parent of the incompetent, subject only to confirmation of his appointment by the court within 30 days following the assumption of guardianship duties. If the incompetent person is over the age of 18 years, the court shall conduct a hearing as provided in s. 744.331 before confirming the appointment of the standby guardian.

(3) After the appointment of a standby guardian, the court shall have jurisdiction over the incompetent person for whom the guardian has been appointed.

History.—s. 1, ch. 74-106; s. 7, ch. 75-222; s. 1, ch. 77-174.
Note.—Created from former s. 744.72.

744.305 Nonprofit corporate guardianship.—

(1) A nonprofit corporation organized for religious or charitable purposes and existing under the laws of this state may be appointed guardian of the person or property, or both, of an incompetent person.

(2) A nonprofit corporation as above defined may be appointed guardian of the property in a voluntary guardianship proceeding.

History.—s. 1, ch. 74-106; s. 7, ch. 75-222; s. 22, ch. 82-148.
Note.—Created from former s. 744.73.

744.306 Foreign guardians.—

(1) Foreign guardians who produce authenticated orders appointing them guardians, curators, conservators, or committees, duly obtained in any state, territory, or country, shall be authorized to maintain actions in the courts of this state.

(2) Guardians appointed in any state, territory, or country may be sued in this state concerning the property or person of the ward in this state and may defend any action or proceeding in this state.

(3) Debtors who have received no written demand for payment from a guardian appointed in this state within 60 days after the appointment of a guardian, curator, conservator, or committee in any state, territory, or country other than this state, and whose property in Florida is subject to a mortgage or other lien securing the debt held by the foreign guardian, curator, conservator, or committee, may pay the debt to the foreign guardian, curator, conservator, or committee after the expiration of 60 days from the date of his appointment. A satisfaction of the mortgage or lien, executed after the 60 days have expired by the foreign guardian, curator, conservator, or committee, with an authenticated copy of the letters or other evidence of authority of the foreign guardian, curator, conservator, or committee attached, may be recorded in the public records of this state and shall constitute an effective discharge of the mortgage or lien, irrespective of whether the debtor had received written demand before paying the debt.

(4) All persons indebted to a ward, or having possession of personal property belonging to a ward, who have received no written demand for payment of the indebtedness or the delivery of the property from a guardian appointed in this state are authorized to pay the indebtedness or to deliver the personal property to the foreign guardian, curator, conservator, or committee after the expiration of the 60 days from the date of his appointment.

History.—s. 1, ch. 74-106; s. 7, ch. 75-222.
Note.—Created from former s. 744.13.

744.307 Foreign guardian may manage the property of nonresident ward.—

(1) A guardian of the property of a nonresident ward, duly appointed by a court of another state, territory, or country, who desires to manage any part or all of the property of the ward located in Florida, may file a petition showing his appointment, describing the property, stating its estimated value, and showing the indebtedness, if any, existing against the ward in this state, to the best of his knowledge and belief.

(2) The guardian shall designate a resident agent as required by the Rules of Probate and Guardianship Procedure.

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(3) The guardian shall file authenticated copies of his letters of guardianship or other authority and of his bond or other security. The court shall determine if the foreign bond or other security is sufficient to guarantee the faithful management of the ward's property in this state. The court may require a new guardian's bond in this state in the amount it deems necessary and conditioned for the proper management and application of the property of the ward coming into the custody of the guardian in this state.

(4) Thereafter, the guardianship shall be governed by the law concerning guardianships.

History.—s. 1, ch. 74-106; s. 7, ch. 75-222.
Note.—Created from former s. 744.16.

744.308 Resident guardian of the property of nonresident incompetent.—

(1) The court may appoint a resident of Florida as guardian of a nonresident incompetent's property upon the petition of a relative, next friend, or creditor of the incompetent, regardless of whether he has a foreign guardian or not. The foreign guardian, if there is one, may also petition for the appointment of the resident guardian.

(2) The petition for the appointment of a resident guardian for the property of a nonresident incompetent shall be in writing and shall be prepared in accordance with the requirements of s. 744.334.

(3) If it is alleged that the incompetency is due to mental or physical incapacity, the petition shall be accompanied by an authenticated copy of the adjudication of unsoundness of mind or of physical incapacity from the qualified authorities in the state, territory, or country where the incompetent is domiciled, and shall state whether the incompetent is in the custody of any person or institution and, if so, the name and post-office address of the custodian. The adjudication shall constitute prima facie proof of the incompetency.

(4) If the question about the mental or physical incapacity of a nonresident is presented while he is temporarily residing in Florida and he is not under an adjudication of incompetency made in some other state, territory, or country, the procedure for the appointment of a resident guardian of his property shall be the same as though he were a resident of Florida.

(5) When the ground for the appointment of the guardian is minority or incompetency previously adjudicated in another state, territory, or country, notice of the hearing shall be served personally or by registered mail on the incompetent and his legal custodian, if any, and also on one or more members of his family or relatives, if any are known to the petitioner, at least 20 days before the hearing.

(6) In the appointment of the guardian the court shall be governed by s. 744.312.

(7) The duties, powers, and liabilities for the custody, control, management, and disposition of his ward's property and removal, accounting, and discharge shall be governed by the law applicable to resident guardians of property of resident wards.

History.—s. 1, ch. 74-106; s. 7, ch. 75-222; s. 1, ch. 77-174.
Note.—Created from former s. 744.18, 744.19, 744.21, 744.25, 744.26.

PART IV

GUARDIANS

744.309 Who may be appointed guardian of a resident incompetent.
744.312 Considerations in appointment of guardian.
744.313 Letters of guardianship.

744.309 Who may be appointed guardian of a resident incompetent.—

(1) RESIDENT.—

(a) Any resident of this state who is sui juris is qualified to act as guardian of the person or property of an incompetent.

(b) No judge shall act as guardian after this law becomes effective, except when he is related to the ward by blood, marriage, or adoption, or has maintained a close relationship with the ward or the ward's family, and serves without compensation.

(2) NONRESIDENT.—A nonresident who is sui juris may be appointed guardian of the person or property of a resident incompetent if the nonresident is:

(a) Related by lineal consanguinity to the incompetent.

(b) A spouse or a brother, sister, uncle, aunt, nephew, or niece of the incompetent.

(c) A legally adopted child or adoptive parent of the incompetent.

(d) A spouse of a person qualified under this subsection.

(3) GUARDIAN OF THE PERSON AND PROPERTY.—The guardian of the person and the guardian of the property may be the same person.

(4) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from sickness, intemperance, or want of understanding, is incapable of discharging the duties of a guardian shall be appointed to act as guardian.

(5) TRUST COMPANY, STATE BANK OR SAVINGS ASSOCIATION, OR NATIONAL BANK OR FEDERAL SAVINGS AND LOAN ASSOCIATION.—A trust company incorporated under Florida law, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in Florida, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in Florida may act as guardian of the property of an incompetent.

(6) CORPORATE.—A corporation as prescribed in s. 744.305 may be appointed guardian of the person or property, or both, of an incompetent.

History.—s. 1, ch. 74-106; s. 8, ch. 75-222; s. 4, ch. 79-221; s. 7, ch. 81-27; s. 2, ch. 83-139.
Note.—Created from former s. 744.27.

744.312 Considerations in appointment of guardian.—

(1) The court may appoint any person who is qualified to act as guardian, whether related to the ward or not.

(2) The court shall give consideration to the appointment of:

(a) One of the next of kin of the incompetent who is a fit and proper person and qualified to act.

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(b) Any person designated as guardian in any will in which the incompetent is a beneficiary.

(3) The court shall also:

(a) Consider the wishes expressed by the incompetent as to who shall be appointed guardian, and

(b) Give weight to the appointment of an individual, or corporation as described in s. 744.102(11), nominated by the incompetent prior to the filing of the petition for a finding of incompetency, if at the time of nomination:

1. The incompetent was 18 or more years of age and had sufficient mental capacity to make an intelligent choice, and

2. The nomination is contained in a writing signed by him in the presence of at least two attesting witnesses present at the same time.

(4) The provisions of subsections (1)-(3) notwithstanding, and subject to the provisions of s. 744.309, a surviving parent may name by will a guardian for the person or property of a minor child to serve during the child's minority or any part of it. Such person or persons named shall be appointed by the court unless the court determines that such appointment would be contrary to the best interests of the minor. The guardian so appointed shall be subject to the law in the same manner as other guardians.

History.—s. 1, ch. 74-106, s. 12, ch. 75-222, s. 1, ch. 77-174, s. 5, ch. 79-221.
Note.—Created from former s. 744.35.

744.313 Letters of guardianship.—Letters of guardianship shall be issued to the guardian of the person or of the property, or both. Failure to issue letters shall not affect the validity of the order appointing the guardian.

History.—s. 1, ch. 74-106, s. 12, ch. 75-222.
Note.—Created from former s. 744.40.

PART V

APPOINTMENT

744.331 Adjudication of persons mentally or physically incompetent; procedure.
744.334 Petition for appointment of guardian; contents.
744.337 Notice of hearing.
744.341 Voluntary guardianship.
744.344 Order of appointment.
744.347 Oath of guardian.
744.351 Bond of guardian.
744.354 Validity of bond.
744.357 Liability of surety.

744.331 Adjudication of persons mentally or physically incompetent; procedure.—No guardian of the person or of the property, or both, of a person alleged to be mentally or physically incompetent shall be appointed until after the person has been adjudicated to be incompetent in proceedings instituted for that purpose, in the following manner:

(1) When a person is believed to be incompetent because of mental illness, sickness, excessive use of alcohol or drugs, or other mental or physical condition, so that he is incapable of caring for himself or managing his property or is likely to dissipate or lose his property or inflict harm on himself or others, a verified petition may be filed where the alleged incompetent resides or is found, for a judicial inquiry into the mental or physical condition, or both, of the alleged incompetent.

(2) The petition may be filed by:

(a) The mother, father, brother, sister, husband, wife, adult child, or next of kin of the alleged incompetent.

(b) Any three citizens of the state.

(c) Any person who requests the examination of himself, if he presents a certificate of a physician authorized to practice medicine in this state certifying the reason that he believes the petitioner to be incompetent.

(d) The medical director of any state correctional institution, concerning any person at the institution.

(3) Every petition shall allege the name, approximate age address if known, and nature of the disability of the alleged incompetent, and the names and addresses of the next of kin of the alleged incompetent, if known to petitioner.

(4) When a petition is filed, the court shall set a date for a hearing. Notice shall be given in writing to the alleged incompetent and to one or more members of his family, if any other than the petitioner are known to be residing in the county, and to such persons as the court may direct, notifying them that application has been made for an inquiry into either the mental or physical condition, or both, of the alleged incompetent and that a hearing on the application will be held at the time and place specified in the notice. The hearings shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the alleged incompetent. An opportunity to be represented by counsel shall be afforded to every alleged incompetent, and if he cannot afford an attorney the court shall appoint one.

(5)(a) The judge shall appoint an examining committee consisting of one responsible citizen and two practicing physicians who shall not be associated with each other in the practice of medicine. The citizen appointed shall not be associated with, or employed by, either physician. The examining committee shall proceed to examine the person to ascertain his mental and physical condition within a reasonable time after notice of its appointment. No petitioner shall serve as a member of the examining committee.

(b) If the examining committee considers the person under examination to be incompetent, it shall determine his age, whether his condition is acute or chronic, and the apparent cause of the condition. The report shall cover the findings of the committee, be signed by each member of the examining committee, and be transmitted immediately to the court. If the report of the examiners is that the alleged incompetent is not mentally or physically incompetent, the court shall dismiss the petition.

(c) The committee and any attorney appointed under subsection (4) shall be entitled to reasonable fees to be determined by the court and paid from the general fund of the county where the alleged incompetent was domiciled at the time the petition was filed. The county shall have a right of a creditor's claim against the guardianship assets for any

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amounts paid under this section. The county shall file its claim within 90 days of the adjudication of incompetency and, if the county does not file its claim within such 90 days, the county is thereafter barred. Upon petition by the county for payment of the claim as provided in s. 744.387(6), the county shall be satisfied out of the assets of the estate. The board of county commissioners shall keep a record of such payments and may file its claim for reimbursement at any time after a guardian has been appointed.

(6) Except as otherwise specified, the procedure shall be governed by rules applicable in guardianships generally.

(7) If the court finds that the person under investigation is incompetent, mentally or physically, or both, the judgment shall state the nature and extent of the incompetency. If the court finds that the person is not incompetent, it shall dismiss the petition.

(8) After a judgment adjudicating a person to be mentally or physically incompetent is filed, the person shall, for the duration of the incompetency, be presumed to be incapable of managing his own affairs or of making any gift, contract, or instrument in writing that is binding on him or his estate. The filing of the judgment shall be notice of the incapacity.

(9) When a person is adjudicated mentally or physically incompetent, a guardian of the person shall be appointed, and a guardian of the property may be appointed.

History.—ss. 9, 26, ch. 75-222; s. 4, ch. 77-328; s. 1, ch. 78-342; s. 6, ch. 79-221.
cf.—s. 393.12 Competency; appointment of guardian advocate.

744.334 Petition for appointment of guardian; contents.—Every petition for the appointment of a guardian shall be verified by the petitioner and shall contain statements, to the best of petitioner's knowledge and belief, showing the name, age, residence, and post-office address of the alleged incompetent; the nature of his incapacity; the type of guardianship desired; the approximate value and description of his property; the residence and post-office address of the petitioner; and the names and addresses of the next of kin of the incompetent, if known to the petitioner.

History.—ss. 11, 26, ch. 75-222; s. 7, ch. 79-221.
cf.—s. 393.12 Competency; appointment of guardian advocate.

744.337 Notice of hearing.—

(1) When the petition for the appointment of a guardian alleges that the person has been adjudicated to be physically or mentally incompetent, or both, the court shall hear the petition without notice if it is filed and heard upon the conclusion of the hearing in which the person is so adjudicated. If it is heard on a later date, reasonable notice of the hearing shall be served on the incompetent, next of kin, and such other persons as the court may direct.

(2) When the petition alleges that the incapacity is minority and the petitioner is not the parent and the parents of the minor are living, reasonable notice of the hearing shall be given to them. When a parent applies for appointment as guardian of his minor child, no notice is necessary unless the other parent is living and refuses to consent to the appointment.

History.—ss. 11, 26, ch. 75-222; s. 1, ch. 77-328; s. 8, ch. 79-221.
cf.—s. 393.12 Competency; appointment of guardian advocate.

744.341 Voluntary guardianship.—

(1) Without adjudication of incompetency, the court shall appoint a guardian of the estate of a resident or nonresident person who, though mentally competent, is incapable of the care, custody, and management of his estate by reason of age or physical infirmity and who has voluntarily petitioned for the appointment. The petition shall be accompanied by a certificate of a licensed physician that he has examined the petitioner and that the petitioner is competent to understand the nature of the guardianship and his delegation of authority. Notice of hearing on any petition for appointment and for authority to act shall not be required, except that notice shall be given to the ward and to any person to whom the ward requests that notice be given. Such request may be made in the petition for appointment of guardian or in a subsequent written request for notice signed by the ward.

(2) Any guardian appointed under this section shall have the same duties and responsibilities as are provided by law as to guardians of property generally.

History.—ss. 11, 26, ch. 75-222; s. 9, ch. 79-221.

744.344 Order of appointment.—At the hearing on the petition for the appointment of a guardian, the court shall hear the evidence on the question of the competency of the person who is the subject of the hearing. An order previously adjudicating a person to be incompetent shall constitute conclusive proof of incompetency until the competency of the person has been restored. The court may hear testimony on the question of who is entitled to preference in the appointment of a guardian. Any person interested may intervene in the proceedings. If the court finds that the person who is the subject of the hearing is incompetent, it shall appoint a guardian of the person or of the property, or both, as it may deem necessary. The order shall state the specific nature of the incapacity found. The order shall specify the amount of the bond to be given by the guardian.

History.—s. 1, ch. 74-166; ss. 11, 26, ch. 75-222.
Note.—Created from former s. 744.34.

744.347 Oath of guardian.—Before exercising his authority as guardian, every guardian shall take an oath that he will faithfully perform his duties as guardian. This oath is not jurisdictional.

History.—s. 1, ch. 74-166; ss. 19, 26, ch. 75-222.
Note.—Created from former s. 744.35.

744.351 Bond of guardian.—

(1) Before entering on his duties, every person appointed a guardian of the property of a ward in Florida shall file a bond with surety as prescribed in s. 45.011 to be approved by the clerk. The bond shall be payable to the Governor of the state and his successors in office, conditioned on the faithful performance of all duties by the guardian. In form the bond shall be joint and several. When the petitioner requests a waiver of bond, the court may waive a bond.

(2) When the sureties on a bond are natural persons, the guardian shall be required to file with his annual returns proof satisfactory to the court that the sureties are alive and solvent.

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(3) The penal sum of a guardian's bond shall be fixed by the court, and it must be in an amount not less than the full amount of the cash on hand and on deposit belonging to the ward, plus the value of the notes and bonds owned by the ward that are payable to bearer.

(4) For good cause, the court may require, or increase or reduce the amount of, bond or change or release the surety.

(5) Banks and trust companies authorized by law to be guardians shall not be required to file bonds.

History.—s. 1, ch. 74-106; ss. 19, 26, ch. 75-222; s. 1, ch. 77-174; s. 2, ch. 78-342.
Note.—Created from former s. 744.38.

744.354 Validity of bond.—No bond executed by any guardian shall be invalid because of an informality in it or because of an informality or illegality in the appointment of the guardian. The bond shall have the same force and effect as if the bond had been executed in proper form and the appointment had been legally made.

History.—s. 1, ch. 74-106; ss. 19, 26, ch. 75-222.
Note.—Created from former s. 744.42.

744.357 Liability of surety.—No surety for a guardian shall be charged beyond the assets of the ward's property.

History.—s. 1, ch. 74-106; ss. 19, 26, ch. 75-222.
Note.—Created from former s. 744.43.

PART VI

POWERS AND DUTIES

744.361 Duties and powers of guardian of the person.
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744.361 Duties and powers of guardian of the person.—

(1) It is the duty of the guardian of the person to take care of the person of the ward, to treat him humanely, and, if he is a minor, to see that he is properly educated and that he has the opportunity to learn a trade, occupation, or profession.

(2) The guardian of the person shall be entitled to the custody of the ward, but shall not have power to bind the ward or his property or to represent him in any legal proceedings pertaining to his property.

(3) In case of an adult ward, the guardian shall honor the ward's preferences as to place and standard of living, either as had been expressed or demonstrated by the ward prior to the determination of his incompetency, or as currently expressed by the ward, insofar as such a request is reasonable. Such preference should be compatible with the ward's present resources and place and standard of living prior to the determination of his incompetency and shall be subject to review by the court.

History.—s. 1, ch. 74-106; ss. 6, 26, ch. 75-222.
Note.—Created from former ss. 744.48, 744.49.

744.364 Periodic examination of ward.—

(1) Unless the court enters an order declaring that it is not necessary, or unless the ward is maintained in an institution operated by the state, the guardian of the person of a person adjudged physically or mentally incompetent shall cause the person to be examined annually by a licensed physician concerning the mental and physical condition of the ward.

(2) The guardian of the property may expend up to $150 from the ward's estate, without prior court approval, for the professional examinations under subsection (1). When the cost of the examination exceeds $150, the guardian shall obtain prior court authorization for the expenditure. If the ward's estate has insufficient assets to pay the expense of the examinations, the guardian shall report the insufficiency and obtain an order permitting him to apply for financial relief from state or county funds, as provided by laws concerning the care of indigent persons.

History.—s. 1, ch. 74-106; ss. 6, 26, ch. 75-222.
Note.—Created from former ss. 744.481, 744.483.

744.367 Duty to file report.—On or before April 1 of each year, the guardian of the person shall file reports with the court including:

(1) The name and address of all places where the ward was maintained during the preceding year.

(2) The length of stay of the ward at each place.

(3) A resume of any professional medical treatment given to the ward during the preceding year.

(4) A brief resume of the guardian's activity and visits to check on the progress and condition of the ward.

(5) An evaluation by the guardian of whether or not the ward is competent to such an extent that he should be restored.

(6) A written report and evaluation from the examining physician, including, among other things, recommendations for treatment, prognosis, and indications for restoration.

History.—s. 1, ch. 74-106; ss. 6, 26, ch. 75-222.
Note.—Created from former s. 744.482.

744.371 Relief to be granted.—If it appears

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from the guardian's report and the medical report filed as required in s. 744.367 that:

(1) The condition of the ward requires further examination;

(2) Any change of care, maintenance, or treatment is needed;

(3) The ward is qualified for restoration; or

(4) His condition or maintenance requires the performance or doing of any other thing for the best interest of ward,

the guardian shall petition for the needed matters. The court shall enter such orders, with or without notice to interested persons, as may be proper.

History.—s. 1, ch. 74-106; ss. 6, 26, ch. 75-222.
Note.—Created from former s. 744.484.

744.374 Payments to guardian of the person.—If the guardian of the person of the ward is other than the guardian of the property, either guardian may petition for an order directing the guardian of the property to pay to the guardian of the person periodic amounts for the support, care, maintenance, and education of the ward. The amount may be increased or decreased from time to time. If an order is made, the receipt of the guardian of the person for payments made shall be a sufficient discharge of the guardian of the property. He shall not be bound to see to the application of the payments.

History.—s. 1, ch. 74-106; ss. 6, 26, ch. 75-222.
Note.—Created from former s. 744.50.

744.377 Duties of guardian of the property.—

(1) It is the duty of the guardian of the property of the ward:

(a) To protect and preserve the property and to invest it prudently as defined in s. 737.302, apply it as provided in s. 744.397, and account for it faithfully.

(b) To perform all other duties required of him by law.

(c) At the termination of the guardianship, to deliver the assets of the ward to the person lawfully entitled to them.

(2) The guardian shall observe the standards in dealing with the guardianship property that would be observed by a prudent man dealing with the property of another, and, if the guardian has special skills or is named guardian on the basis of representations of special skills or expertise, he is under a duty to use those skills.

(3) The guardian shall take possession of all of the ward's property and of the rents, income, issues, and profits from it, whether accruing before or after his appointment, and of the proceeds arising from the sale, lease, or mortgage of the property or of any part. All of the property and the rents, income, issues, and profits from it shall be assets in the hands of the guardian for the payment of debts, taxes, claims, charges, and expenses of the guardianship and for the care, support, maintenance, and education of the ward or his dependents, as authorized by law or approved by the court.

(4) Within 60 days after his appointment, the guardian shall file a complete inventory of the property that has come to his knowledge and of any cause of action on which his ward has a right to sue.

History.—s. 1, ch. 74-106; ss. 12, 26, ch. 75-222.
Note.—Created from former ss. 744.51, 744.52, 744.53.

744.381 Appraisals.—When the court deems it necessary, appraisers may be appointed to appraise the property of the ward.

History.—s. 1, ch. 74-106.
Note.—Created from former s. 744.54.

744.384 Subsequently discovered or acquired property.—If the guardian learns of any property that is not included in previous inventories, the property shall be inventoried within 30 days after the discovery or acquisition.

History.—s. 1, ch. 74-106; ss. 14, 26, ch. 75-222.
Note.—Created from former s. 744.59.

744.387 Settlement of claims.—

(1) When a settlement of any claim by or against the guardian of the property of the ward, whether arising as a result of personal injury or otherwise, and whether arising before or after appointment of a guardian, is proposed, but before an action to enforce it is begun, on petition by the guardian stating the facts of the claim, question, or dispute and the proposed settlement, and on any evidence that is introduced, the court may enter an order authorizing the settlement if satisfied that the settlement will be for the best interest of the ward. The order shall relieve the guardian from any further responsibility in connection with the claim or dispute when the settlement has been made in accordance with the order. The order authorizing the settlement may also determine whether an additional bond is required and, if so, shall fix the amount of it.

(2) In the same manner as provided in subsection (1) or as authorized by s. 744.301, the natural guardians or guardian of a minor may settle any claim by or on behalf of a minor that does not exceed $5,000 without bond. A legal guardianship of the property shall be required when the amount of the net settlement to the ward exceeds $5,000.

(3)(a) No settlement after an action has been commenced by or on behalf of a minor or other incompetent shall be effective unless approved by the court having jurisdiction of the action.

(b) In the event of settlement or judgment in favor of the minor or other incompetent, the court may authorize the natural guardians or guardian, or a guardian appointed by a court of competent jurisdiction, to collect the amount of the settlement or judgment and to execute a release or satisfaction. When the amount of net settlement to the ward or judgment exceeds $5,000 and no guardian has been appointed, the court shall require the appointment of a guardian of the property.

(4) In making a settlement under court order as provided in this section, the guardian is authorized to execute any instrument that may be necessary to effect the settlement. When executed the instrument shall be a complete release of the person making the settlement.

(5) Upon the filing of a claim by the county for

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reimbursement for the payment of reasonable fees awarded to any person under s. 744.331(5), the court shall enter an order authorizing immediate payment out of the assets or income of the estate of all amounts that have been required to be advanced by the county.

History.—s. 1, ch. 74-106; ss. 14, 26, ch. 75-222; s. 3, ch. 77-342; s. 10, ch. 79-221.

Note.—Created from former s. 744.60.

744.391 Actions by and against guardian or ward.—If an action is brought by the guardian against the ward, or vice versa, or if the interest of the guardian is adverse to that of his ward, a guardian ad litem shall be appointed to represent the ward in that particular litigation. Judgments in favor of the ward shall become the property of the ward without the necessity for any assignment by the guardian or receipt by the ward upon termination of guardianship. The guardian may receive payment and satisfy any judgment in behalf of the ward without joinder by the ward.

History.—s. 1, ch. 74-106.

Note.—Created from former s. 744.61.

744.394 Suspension of statutes of limitations in favor of guardian.—If a person entitled to bring an action is declared incompetent before the expiration of the time limited for the commencement of it and the cause of the action survives, the action may be commenced by the guardian of the property after such expiration and within 1 year from the date of the order appointing him or the time otherwise limited by law, whichever is longer.

History.—s. 1, ch. 74-106; ss. 16, 26, ch. 75-222.

Note.—Created from former s. 744.62.

744.397 Application of income of property of ward.—

(1) The court may authorize the guardian of the property to apply the income from the ward's property, first to his care, support, education, and maintenance, and then for the care, support, education, maintenance, cost of final illness, and cost of funeral and burial or cremation of the parent, spouse, or dependents, if any, of the ward, to the extent necessary. If the income is not sufficient for these purposes, the court may authorize the expenditure of part of the principal for such purposes from time to time.

(2) The word "dependents," as used in subsection (1) means, in addition to those persons who are legal dependents of a ward under existing law, the person or persons whom the ward is morally or equitably obligated to aid, assist, maintain, or care for, including, but not limited to, such persons as the indigent husband of the ward, based upon the showing of an existing need and an ability of the estate of the ward to pay for, provide, or furnish the aid, assistance, maintenance, or care without unreasonably jeopardizing the care, support, and maintenance of the ward.

(3) If the ward is a minor and his parents are able to care for him and to support, maintain, and educate him, the guardian of the property of the minor shall not so use his ward's property unless directed or authorized to do so by the court.

History.—s. 1, ch. 74-106; ss. 16, 26, ch. 75-222.

Note.—Created from former s. 744.64.

744.421 Petition for support of ward's dependents.—Any person dependent on the ward for support may petition for an order directing the guardian of the property to contribute to the support of the dependent person from the property of the ward. The court may enter an order for suitable support and education of the dependent person out of the ward's property. The grant or denial of an order for support shall not preclude a further petition for increase, decrease, modification, or termination of allowance for support by either the petitioner or the guardian. The order for support shall be valid for payments made pursuant to it, but no valid payments can be made after the termination of the guardianship. The receipt of the petitioner shall be a sufficient release of the guardian for payments made pursuant to the order. If the property of the ward is derived in whole or in part from payments of compensation, adjusted compensation, pension, insurance, or other benefits made directly to the guardian by the Veterans Administration, notice of the application for support shall be given by the applicant to the office of the Veterans Administration having jurisdiction over the area in which the court is located and the chief attorney for the Division of Veterans' Affairs of the Department of Administration in this state at least 15 days before the hearing on the application.

History.—s. 1, ch. 74-106; ss. 16, 26, ch. 75-222; s. 1, ch. 77-174; s. 1, ch. 78-306; s. 80, ch. 81-187; s. 84, ch. 83-55.

Note.—Created from former s. 744.63.

744.424 Attorney's fees and expenses.—

(1) An attorney who has been employed by a guardian and rendered service to the ward, or to the guardian in the ward's behalf, may petition for attorney's fees. After notice to the guardian, the court shall make an order on the petition.

(2) In annual and final returns the guardian shall be entitled to credit for reasonable sums that he has paid to an attorney for expenses and services rendered to the ward or to the guardian on behalf of the ward and to credit for his own reasonable expenses in connection with the guardianship. Objections may be made to the allowance of the items in the manner specified in the Rules of Probate and Guardianship Procedure, unless the items have been previously allowed.

(3) If the guardian is a practicing attorney at law in this state and has rendered legal services in connection with his guardianship duties, he shall be allowed reasonable fees in addition to his expenses and compensation provided by law for him as guardian.

History.—s. 1, ch. 74-106; ss. 16, 26, ch. 75-222.

Note.—Created from former s. 744.33.

744.427 Annual returns.—

(1) The annual return shall be filed on or before April 1 of each year or 90 days after termination of the ward's fiscal year and, in his return, a guardian of the property shall render a full and correct account of the receipts and disbursements of all his ward's property of which he has control and shall include a statement of the ward's assets.

(2) Substantiating papers shall not be filed with accountings, but pertinent substantiating papers and records shall be available at a trial of objections to ac-

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countings, and all substantiating papers and records shall be preserved by the guardian for 3 years after his discharge.

(3) Within 30 days after the return has been filed, a person interested as creditor or otherwise may file written objections to any item, specifying the grounds of objection. No item previously approved by the court on notice shall be subject to objection.

(4) If a guardian fails to file his annual return, any person interested may file a written demand for service of a copy of the return. The demand shall contain the post-office address of the person filing it. If any demand is on file at the time the return is filed, the guardian shall serve a copy of the return upon the person who filed the demand and shall file proof of service of it.

(5) If objections are filed, the guardian or the objecting person, after the expiration of the time for filing objections and on reasonable notice to the other, may apply to the court for a hearing. After the hearing, the court shall enter an order sustaining or overruling the objections.

(6) If no objection is filed to any return within the time for filing objections, the court shall examine the return and enter its order approving it or requiring proof of the items.

History.—s. 1, ch. 74-106; ss. 16, 29, ch. 75-222; s. 1, ch. 77-174.
Note.—Created from former s. 745.25.

744.431 Order requiring return; contempt.—When a guardian fails to file the annual return, the court shall order him to make the return within 15 days from the service of the order upon him or show cause why he should not be compelled to do so. A copy of the order shall be served on the guardian or on his resident agent. If the guardian fails to file his return within the time specified by the order without good cause, the court may cite him for contempt of court.

History.—s. 1, ch. 74-106; ss. 17, 26, ch. 75-222.
Note.—Created from former s. 745.29.

744.434 Production of assets.—On the petition of a creditor or other interested person or on its own motion, the court may require a guardian of the property to produce satisfactory evidence that the assets of the ward are in his possession or under his control. If it deems it necessary or proper, the court may order the guardian to produce the assets for the inspection of the creditor, another interested person, or the court.

History.—s. 1, ch. 74-106; ss. 17, 26, ch. 75-222.
Note.—Created from former s. 745.30.

744.437 Annual appearance of the guardian.—The court may require every guardian to appear before the court at the time the guardian files his annual return or at such other time as the court determines, in order for the court to inquire as to any matter relating to the physical and financial well-being of the ward.

History.—s. 1, ch. 74-106; ss. 17, 26, ch. 75-222; s. 11, ch. 79-221.

744.441 Powers of guardian upon court approval.—After obtaining approval of the court in accordance with s. 744.447, a guardian of the property may:

(1) Perform, compromise, or refuse performance of a ward's contracts that continue as obligations of the estate, as he may determine under the circumstances.

(2) Execute any power of appointment or other power that the ward might have lawfully exercised, consummated, or executed if competent, if the best interest of the ward requires such execution.

(3) Make ordinary or extraordinary repairs or alterations in buildings or other structures; demolish any improvements; or raze existing, or erect new, party walls or buildings.

(4) Subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving consideration; or dedicate easements to public use without consideration.

(5) Enter into a lease as lessor or lessee for any purpose, with or without option to purchase or renew, for a term within, or extending beyond, the period of guardianship.

(6) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.

(7) Abandon property when, in the opinion of the guardian, it is valueless or is so encumbered or in such condition that it is of no benefit to the estate.

(8) Pay calls, assessments, and other sums chargeable or accruing against, or on account of, securities.

(9) Borrow money, with or without security, to be repaid from the estate assets or otherwise and advance money for the protection of the estate.

(10) Effect a fair and reasonable compromise with any debtor or obligor or extend, renew, or in any manner modify the terms of any obligation owing to the estate.

(11) Prosecute or defend claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his duties.

(12) Sell, mortgage, or lease any real or personal property of the estate, including homestead property, or any interest therein for cash or credit, or for part cash and part credit, and with or without security for unpaid balances.

(13) Continue any unincorporated business or venture in which the ward was engaged.

(14) Purchase the entire fee simple title to real estate in Florida in which the guardian has no interest, but the purchase may be made only for a home for the ward, to protect the home of the ward or his interest, or as a home for his dependent family. If the ward is a married person adjudged incompetent and the home of the ward or of the dependent family of the ward is owned by the ward and spouse as an estate by the entirety and the home is sold pursuant to the authority of subsection (12), the court may authorize the investment of any part or all of the proceeds from the sale toward the purchase of a fee simple title to real estate in Florida for a home for the ward or the dependent family of the ward as an estate by the entirety owned by the ward and spouse. If the guardian is authorized to acquire title to real estate for the ward or dependent family of the ward as

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an estate by the entirety in accordance with the preceding provisions, the conveyance shall be in the name of the ward and spouse and shall be effective to create an estate by the entirety in the ward and spouse.

(15) Exercise any option contained in any policy of insurance payable to, or inuring to the benefit of, the ward.

(16) Pay reasonable funeral, interment, and grave-marker expenses for the ward from the ward's estate, in an amount not to exceed $1,500.

(17) Make gifts of the ward's property to members of the ward's family in estate and income tax planning procedures.

(18) When the ward's will evinces an objective to obtain a United States estate tax charitable deduction by use of a split interest trust (as that term is defined in s. 737.501), but the maximum charitable deduction otherwise allowable will not be achieved in whole or in part, execute a codicil on the ward's behalf amending said will to obtain the maximum charitable deduction allowable without diminishing the aggregate value of the benefits of any beneficiary under such will.

History.—s. 1, ch. 74-106; ss. 22, 26, ch. 75-222; s. 1, ch. 77-174; s. 2, ch. 77-328; s. 281, ch. 79-400; s. 4, ch. 80-203.
Note.—Created from former ss. 745.03(2) and (3), 745.20, 745.23

744.444 Power of guardian without court approval.—Without obtaining court approval, a guardian of the property may:

(1) Retain assets owned by the ward.

(2) Receive assets from fiduciaries or other sources.

(3) Vote stocks or other securities in person or by general or limited proxy or not vote stocks or other securities.

(4) Insure the assets of the estate against damage, loss, and liability and insure himself against liability as to third persons.

(5) Execute and deliver in his name as guardian any instrument necessary or proper to carry out and give effect to this section.

(6) Pay taxes and assessments on the ward's property.

(7) Pay valid encumbrances against the ward's property in accordance with their terms, but no prepayment shall be made without prior court approval.

(8) Pay reasonable living expenses for the ward, taking into consideration the accustomed standard of living, age, health, and financial condition of the ward.

(9) Elect whether to dissent from a will under the provisions of s. 732.210(2) or assert any other right or choice available to a surviving spouse in the administration of a decedent's estate.

(10) Deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments.

(11) Pay incidental expenses in the administration of the estate.

(12) Sell or exercise stock subscription or conversion rights and consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.

(13) Employ persons, including attorneys, auditors, investment advisers, or agents, even if they are associated with the guardian, where reasonably necessary, to advise or assist the guardian in the performance of his administrative duties.

(14) Execute and deliver in his name as guardian any instrument necessary or proper to carry out the orders of the court.

(15) Hold a security in the name of a nominee or in other form without disclosure of the interest of the ward, but the guardian is liable for any act of the nominee in connection with the security so held.

History.—s. 1, ch. 74-106; ss. 23, 26, ch. 75-222; s. 3, ch. 77-325; s. 282, ch. 79-400.

744.447 Petition for authorization to act.—

(1) Application for authorization to perform, or confirmation of, any acts under s. 744.441 shall be by petition stating the facts showing the expediency or necessity for the action, a description of any property involved, and the price and terms of a sale, mortgage, or other contract.

(2) No notice of a petition to authorize a sale of perishable personal property or of property rapidly deteriorating shall be required. Notice of a petition to perform any other acts under s. 744.441 shall be given to the guardian of the person and to those interested persons who have filed requests for notices and copies of pleadings, as provided in the Florida Rules of Probate and Guardianship Procedure.

History.—s. 1, ch. 74-106; ss. 24, 26, ch. 75-222; s. 19, ch. 79-221.
Note.—Created from former s. 745.06.

744.451 Order.—

(1) If a sale or mortgage is authorized, the order shall describe the property, and

(a) If the property is authorized for sale at private sale, the order shall fix the price and the terms of sale.

(b) If the sale is to be public, the order shall state that the sale shall be made to the highest bidder and the court reserves the right to reject all bids.

(2) An order for any other act permitted under s. 744.441 shall describe the permitted act and authorize the guardian to perform it.

History.—s. 1, ch. 74-106; ss. 24, 26, ch. 75-222.
Note.—Created from former s. 745.08.

744.454 Guardian forbidden to borrow or purchase.—No guardian shall purchase property or borrow money from his ward unless the property is sold at public sale and then only if the guardian is a spouse, parent, child, brother, or sister of the ward or a cotenant of the ward in the property to be sold.

History.—s. 1, ch. 74-106; ss. 24, 26, ch. 75-222; s. 1, ch. 77-174.
Note.—Created from former s. 745.14.

744.457 Conveyance of various property rights.—

(1)(a) All legal or equitable interests in real and personal property owned as an estate by the entirety by an incompetent for whom a guardian of the property has been appointed may be sold, transferred, conveyed, or mortgaged in accordance with s. 744.447, if the spouse who is not incompetent joins in

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the sale, transfer, conveyance, or mortgage of the property. When both spouses are incompetent, the sale, transfer, conveyance, or mortgage shall be by the guardians only. The sale, transfer, conveyance, or mortgage may be accomplished by one instrument or by separate instruments.

(b) In ordering or approving the sale and conveyance of the real or personal property owned by the ward and his spouse as an estate by the entirety or as joint tenants with right of survivorship, the court may provide that one-half of the net proceeds of the sale shall go to the guardian of the property of the ward and the other one-half to the ward's spouse, or the court may provide for the proceeds of the sale to retain the same character as to survivorship as the original asset.

(c) The guardian of the property of the incompetent shall collect all payments coming due on intangible property, such as notes and mortgages and other securities, and shall retain one-half of all principal and interest payments so collected and shall pay the other one-half of the collections to the spouse who is not incompetent. If both spouses are incompetent, the guardian of either shall collect the payments, retain one-half of the principal and interest payments, and pay the other one-half to the guardian of the other spouse.

(d) The spouse of the incompetent shall collect all payments of rents on real estate held as an estate by the entirety and, after paying all charges against the property, such as taxes, insurance, maintenance, and repairs, shall retain one-half of the net rents so collected and pay the other one-half to the guardian of the property of the spouse who is incompetent. If both spouses are incompetent, the guardian of either may collect the rent, pay the charges, retain one-half of the net rent, and pay the other one-half to the guardian of the other spouse.

(2) In determining the value of life estates or remainder interests, the American Experience Mortality Tables may be used.

(3) Nothing in this section shall prohibit the court in its discretion from appointing a sole guardian to serve as guardian for both spouses.

History.—s. 1, ch. 74-106; ss. 24, 26, ch. 75-222; s. 13, ch. 79-221.
Note.—Created from former s. 745.15.

744.461 Purchasers and lenders protected.—No person purchasing or leasing from, or taking a mortgage, pledge, or other lien from, a guardian shall be bound to see that the money or other things of value paid to the guardian are actually needed or properly applied. The person is not otherwise bound as to the proprieties or expediencies of the acts of the guardian.

History.—s. 1, ch. 74-106; ss. 24, 26, ch. 75-222.
Note.—Created from former s. 745.21.

PART VII

TERMINATION

744.464 Restoration to mental or physical competency; procedure.
744.467 Resignation of guardian.
744.471 Appointment of successor.
744.474 Reasons for removal of guardian.
744.477 Proceedings for removal.
744.511 Accounting upon removal.
744.514 Surrender of assets upon removal.
744.517 Proceedings for commitment.
744.521 Termination of guardianship.
744.524 Termination of guardianship on change of domicile of resident ward.
744.527 Final returns and application for discharge; hearing.
744.531 Order of discharge.

744.464 Restoration to mental or physical competency; procedure.—

(1)(a) When a person has been declared incompetent and is hospitalized at a treatment facility and becomes capable of managing his own affairs, he may be issued a certificate of competency signed by three members of the medical staff at the treatment facility. The certificate shall be attested by the administrator of the treatment facility, shall be admissible in evidence in any hearing for the restoration to competency of the person, and shall be prima facie proof that the person is competent.

(b) A certificate of competency may also be issued at a designated receiving facility upon the recommendation of two members of the medical staff and a third responsible person. The certificate shall be attested by the administrator of the receiving facility, be admissible in evidence in any hearing for the restoration to competency of the person, and be prima facie proof that the person is competent.

(2) Upon issuance of a certificate of competency, it shall be sent to the court where the person was originally found incompetent. Upon receipt of the certificate, the court shall file it and notify the guardian of the incompetent person and the state attorney of the judicial circuit in the county of the person's residence. The state attorney shall represent the state and shall, within 20 days, file any objections he has to the restoration to competency of the person named in the certificate. The state attorney may file a waiver of objection before the expiration of the 20-day period. If no objections are filed within the time allowed or if a waiver of objection is filed, the person named in the certificate shall automatically be restored to competency on the basis of the certificate, and an order to that effect shall be entered. If an objection to restoration is made by the state attorney, a copy of the objection shall be served by registered or certified mail upon the person named in the certificate or his next of kin or legal guardian, with a notice that a petition for restoration of competency may be filed on behalf of the incompetent person.

(3) In case of indigency, the court may appoint an attorney to represent the incompetent. The attorney shall be entitled to a reasonable fee to be allowed by the court and paid by the governing body of the county from the general fund.

(4) Any relative, spouse, or friend of an incompetent person may petition in the county where the person was adjudged incompetent or where the person is living on the date of the petition to determine whether he is still incompetent and unable to manage his affairs.

(a) The petition shall be verified and shall allege

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facts upon which to base an order restoring the person to competency. The proceeding shall be ex parte, but a copy of the petition shall be served on the state attorney of the judicial circuit where the petition is filed, and he shall represent the state. If a guardian has been appointed for the person or property of the incompetent person, service of a copy of the petition for restoration shall be made upon the guardian. Proof of service of copies of the notice, certificates, and petition shall be by affidavit and filed with the court.

(b) Upon filing of the petition and reasonable notice to the state attorney and guardian of the incompetent, the court shall hold a hearing to determine the person's competency.

(c) If the court finds that the person is of sound mind and capable of managing his own affairs an order shall be entered that:

1. The person is of sound mind and capable of managing his own affairs.

2. The person shall be immediately restored to his personal liberty.

(d) A certified copy of the order shall be sent to the county where the incompetency proceeding was held if different from the county where the restoration proceedings were held.

(5)(a) After a judgment of physical incompetency has been entered, if the person becomes able to care for his property, he or one or more of his family or next of kin may file a petition setting forth the recovery of the person and the reasons why he should be restored to his former status.

(b) The court shall set a time for a hearing, and reasonable notice of the hearing shall be given to the incompetent person, if he is not the petitioner, and to one or more members of his family.

(c) If the court finds that the person has regained ability to care for his property, an order to that effect shall be entered, and the person, insofar as his person and property are concerned, shall occupy the same status as though he had never been adjudicated physically incompetent.

History.—ss. 10, 26, ch. 75-222; s. 1, ch. 77-174.

744.467 Resignation of guardian.—A guardian may resign and be relieved of his guardianship after the notice that the court may require and notice to the surety on his bond. Before entering an order relieving the guardian, the court shall require him to file a true and correct account of his guardianship and to deliver to the successor guardian all property of the ward, all records concerning the property of the ward or of the guardianship, and all money due to the ward from him. Before entering the order, the court shall be satisfied that the interest of the ward will not be placed in jeopardy by the resignation. The acceptance of the resignation shall not exonerate the guardian or his surety from any liability previously incurred.

History.—s. 1, ch. 74-106; ss. 19, 26, ch. 75-222; s. 1, ch. 77-174.
Note.—Created from former s. 746.01.

744.471 Appointment of successor.—A successor guardian must be appointed and duly qualified before a guardian shall be relieved of his duties and obligations as provided in the preceding section.

History.—s. 1, ch. 74-106.
Note.—Created from former s. 746.02.

744.474 Reasons for removal of guardian.—A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(1) Fraud in obtaining his appointment.

(2) Failure to discharge his duties.

(3) Abuse of his powers.

(4) Insanity or other incompetency.

(5) Habitual drunkenness or continued sickness rendering him incapable of the discharge of his duties.

(6) Failure to comply with any order of the court.

(7) Failure to return schedules of property sold or accounts of sales of property or to produce and exhibit the ward's assets when so required.

(8) The wasting, embezzlement, or other mismanagement of the ward's property.

(9) Failure to give bond or security for any purpose when required by the court or failure to file with his annual returns the evidence required by s. 744.351 that the sureties on his bond are alive and solvent.

(10) Conviction of a felony.

(11) Appointment of a receiver or liquidator for any corporate guardian.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.03.

744.477 Proceedings for removal.—Proceedings for removal may be instituted by the court or by any surety or other interested person. Reasonable notice shall be given to the guardian. On the hearing, the court may enter an order that is proper under the pleadings and the evidence.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.04.

744.511 Accounting upon removal.—A removed guardian shall file a true, complete, and final account of his guardianship within 20 days after his removal.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.05.

744.514 Surrender of assets upon removal.—The successor guardian shall demand of the removed guardian or his heirs, personal representative, or surety all the property of the ward and all records with all money due the ward by him. The removed guardian or his heirs, personal representative, or surety shall turn over the items to his duly qualified successor.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.06.

744.517 Proceedings for commitment.—If a removed guardian fails to file a true, complete, and final account of his guardianship, to turn over to his successor all the property of his ward and all records that are in his control and that concern the property of the ward, or to pay over to the successor guardian all money due the ward by him, the court shall commit the removed guardian until he complies with the requirements indicated. If cause is shown for the default, the court shall set a reasonable time within which to comply, and, on failure to comply with this or any subsequent order, the removed guardian may

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be committed until he does comply. Proceedings for the commitment of a defaulting guardian may be instituted by the court, by any interested person, or by a successor guardian.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former ss. 746.07, 746.08.

744.521 Termination of guardianship.—When a ward becomes sui juris, the property of a ward has been lawfully exhausted, or the ward dies or is restored to competency, the guardian of the property shall file a final return and receive his discharge. The court may require proof of the removal of incompetency or of the need of the continuance of the guardianship.

History.—s. 1, ch. 74-106, ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.12.

744.524 Termination of guardianship on change of domicile of resident ward.—When the domicile of a resident ward has been changed in accordance with s. 744.201, and the foreign court having jurisdiction over the ward at his new domicile has appointed a guardian of the property of the ward and the guardian has qualified and posted a bond in an amount required by the foreign court, the Florida guardian of the property of the ward may file his final accountings and close the Florida guardianship. The Florida guardian shall cause a notice to be published once a week for 2 consecutive weeks, in a newspaper of general circulation published in the county, that he has filed his accounting and will apply for discharge on a day certain and that jurisdiction of the ward will be transferred to the state of foreign jurisdiction. If an objection is filed to the termination of the Florida guardianship, the court shall hear the objection and enter an order either sustaining or overruling the objection. Upon the disposition of all objections filed, or if no objection is filed, final settlement shall be made by the Florida guardian. On proof that the remaining assets in the guardianship have been received by the foreign guardian, the Florida guardian shall be discharged. The entry of the order terminating the Florida guardianship shall not exonerate the guardian or his surety from any liability previously incurred.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.121.

744.527 Final returns and application for discharge; hearing.—

(1) When the need for a guardianship terminates, the guardian shall promptly file his final returns. If no objections are filed and if it appears that the guardian has made full and complete distribution to the person entitled and has otherwise faithfully discharged his duties, the court shall approve the final returns. If objections are filed, the court shall conduct a hearing in the same manner as provided for a hearing on objections to annual returns.

(2) The guardian applying for discharge is authorized to retain from the funds in his possession a sufficient amount to pay the final costs of administration, including guardian and attorney's fees regardless of the death of the ward, accruing between the filing of his final returns and the order of discharge.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.13.

744.531 Order of discharge.—If the court is satisfied that the guardian has faithfully discharged his duties, has rendered a complete and accurate final return, and has delivered the assets of the ward to the person entitled, the court shall enter an order of discharge. The discharge shall operate as a release from the duties of the guardianship and as a bar to any action against the guardian or his surety unless the action is commenced within 1 year from the date of the order.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222.
Note.—Created from former s. 746.14.

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737.306 Personal liability of trustee to third parties.--

(1) Unless otherwise provided in the contract, a trustee is not personally liable on contracts, except contracts for attorneys' fees, properly entered into in his fiduciary capacity in the course of administration of the trust estate unless he fails to reveal his representative capacity and identify the trust estate in the contract.

(2) A trustee is personally liable for obligations arising from ownership or control of property of the trust estate or for torts committed in the course of administration of the trust estate only if he is personally at fault.

(3) Claims based on contracts, except contracts for attorneys' fees, entered into by a trustee in his fiduciary capacity, on obligations arising from ownership or control of the trust estate, or on torts committed in the course of trust administration may be asserted against the trust estate by proceeding against the trustee in his fiduciary capacity, whether or not the trustee is personally liable.

(4) Issues of liability between the trust estate and the trustee individually may be determined in a proceeding for accounting, surcharge, or indemnification, or in any other appropriate proceeding.

Section 3. Paragraph (e) of subsection (2) of section 737.402, Florida Statutes, is amended to read:

737.402 Powers of trustees conferred by this part.--

(2) Unless otherwise provided in the trust instrument, a trustee has the power:

(e) To acquire an undivided interest in a trust asset in which the trustee holds an undivided interest in any trust capacity, <u>including, but not limited to, money market mutual funds, mutual funds, and common trust funds</u>.

Section 4. Present subsection (2) of section 744.341, Florida Statutes, is renumbered as subsection (3) and amended, and a new subsection (2) is added to said section, to read:

744.341 Voluntary guardianship.--

<u>(2) If requested in the petition for appointment of a guardian brought under this section, the court may direct the guardian to take possession of less than all of the ward's property and of the rents, income, issues, and profits from it. In such case, the court shall specify in its order the property to be included in the guardianship estate, and the duties and responsibilities of the guardian appointed under this section shall extend only to such property.</u>

~~(1)~~(3) <u>Except as provided in subsection (2),</u> any guardian appointed under this section shall have the same duties and responsibilities as are provided by law as to guardians of property generally.

Section 5. Subsection (10) of section 744.444, Florida Statutes, is amended to read:

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744.444 Power of guardian without court approval.--Without obtaining court approval, a guardian of the property may:

(10) Deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, money market mutual funds, or other prudent investments. The guardian may redeem or sell such deposits or investments to pay the reasonable living expenses of the ward as provided herein.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor May 15, 1984.

Filed in Office Secretary of State May 15, 1984.

CHAPTER 84-32

Senate Bill No. 152

An act relating to the regulation of manufactured buildings; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 553.35, 553.36, 553.37(1)-(9), 553.38, 553.39, 553.41, 553.42, F.S., relating to manufactured buildings; amending s. 553.37, F.S.; deleting reference to the 1971 Act; creating s. 553.381, F.S.; requiring product liability insurance of manufacturers; repealing s. 553.37(10), F.S., relating to the authority of the Department of Veteran and Community Affairs to require a surety bond of inspection agencies; repealing s. 553.40, F.S., relating to the requirement for an annual report; providing for repeal and legislative review in 1994; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 553.37, Florida Statutes, is amended to read:

553.37 Rules; inspections; and insignia.--

(2) After the effective date of the rules adopted pursuant to this part, no manufactured building, except as provided in subsection (9), shall be installed in this state unless it is approved and bears the insignia of approval of the department. ~~The--rules--promulgated under--the--Florida--Factory-Built-Housing-Act-of-1971-shall-continue until-that--date;--and~~ Approvals issued by the department under provisions of the prior part shall be deemed to comply with the requirements of this part.

Section 2. Section 553.381, Florida Statutes, is created to read:

553.381 Manufacturer certification.--As a prerequisite to obtaining approval to produce manufactured buildings for sale in the state, the manufacturer shall submit evidence that he has product liability insurance for the safety and welfare of the public in amounts determined by rule of the department.

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APPENDIX C:

Forms

GENERAL POWER OF ATTORNEY

STATE OF FLORIDA
COUNTY OF ■

KNOW ALL MEN BY THESE PRESENTS:

That I, ■, of ■, County of ■, and State of Florida, do hereby appoint my ■, ■, of ■, County of ■, and State of Florida, as my true and lawful Attorney-in-Fact, for me and in my name to ask, demand, sue for, collect, recover and receive all sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever as are now or shall hereafter become due, owing, payable or belonging to me, and have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances or other sufficient discharges for the same, for me, and in my name to make, seal and deliver; to bargain, contract, agree for, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with goods and merchandise, choses in action, and other property, in possession or in action, and to release mortgages on lands or chattels, and to make, do and transact all and every kind of business of what nature and kind soever. Also, to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments and accept the seizing and possession of all lands and all deeds and other assurances, and to lease, let, demise, bargain, sell, release, convey, mortgage and hypothecate lands, tenements and hereditaments, upon such terms and conditions, and under such covenants, as ■ shall think fit and also for me and in my name and as my act and deed to sign, seal, execute and deliver and acknowledge such deeds, leases and assignments of leases, covenants, indentures, agreements, mortgages hypothecations, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debt

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releases, and satisfaction of mortgages, judgments and other debts, and such other instruments in writing of whatever kind or nature as may be necessary or proper in the premises. Giving and granting unto ■, said Attorney-in-Fact, full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, I am hereby ratifying and confirming all that ■, said Attorney-in-Fact, shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ■, day of ■, 198■.

Signed, sealed and delivered
in our presence:

_____(SEAL)
■

_____

_____

STATE OF FLORIDA
COUNTY OF ■

The foregoing instrument was acknowledged before me this ■ day of ■, 198■.

_____
Notary Public

My Commission Expires:

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4. [§2.51] Form For Petition For Adjudication Of Incompetency

(Title of Court)

(Title of Cause)

PETITION FOR ADJUDICATION OF INCOMPETENCY

Petitioners allege that: ....., who is ..... years of age and whose address is ....., Florida, is to each of your petitioners personally known; petitioners' knowledge of his mental and physical condition is sufficient to justify the belief that he is incompetent within the intent and meaning of Chapter 744.31, Florida Statutes and that the nature of his disability is .....; and he is now a resident of ..... County, and has been a bona fide resident of the State of Florida continuously for ..... years immediately preceding this petition. The members of his family and their addresses are as follows:

Members of Family	Relationship	Address

Petitioners are authorized by Section 744.31 of the Florida Statutes as amended to file this petition, as they are: (circle one of the following)

1. Mother, father, brother, sister, husband, wife, adult child, or next of kin of the alleged incompetent;

2. Any three citizens of the state;

3. The person on behalf of himself;

4. The medical director of a state correctional institution.

WHEREFORE this petition requests that an examination be made as to the mental and physical condition, or both, of ....., as provided by law, and that an order be entered determining the mental and physical competency of that person.

Dated: .....

(Verification)

_____

_____

_____

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b. [§3.12] Form For Guardian's Inventory

(Title of Court)

(Title of Cause) INVENTORY OF GUARDIAN

The undersigned guardian of the property of ....., incompetent, files this inventory of all the property of the ward that has come to the knowledge of the guardian:

REAL ESTATE:

Description	Estimated Fair Market Value
Total Real Estate	$.....

PERSONAL PROPERTY:

Description	Estimated Fair Market Value
Total Personal Property	$.....
TOTAL ESTIMATED VALUE OF ALL PROPERTY	$.....

The ward has the right to sue on the following causes of action:

[set out causes of action]

(Verification)

Dated:.....

_____
Guardian

_____
Attorney for Guardian

.....(address and phone number).....

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2. [§4.11] Form For Annual Report

(Title of Court)

(Title of Cause) ANNUAL REPORT OF GUARDIAN OF PERSON

The undersigned, as guardian of the person of ....., incompetent, reports to the court with respect to the following matters:

1. The name and address of all places where the ward was maintained during the preceding year:

2. The length of stay of the ward in each place was:

3. A resume of any professional medical treatment given to the ward during the preceding year:

4. A brief resume of the guardian's activity and visits to check on the progress and condition of the ward:

5. The evaluation by the guardian of whether or not the ward is competent to such an extent that he should be restored:

6. A written report and evaluation from the examining physician including, among other things, recommendations for treatment, prognosis, and indications for restoration:

(Verification)

Dated: .....

_____

As Guardian of the Person Of
....., Incompetent

_____

Attorney for Guardian

.....(address and phone number).....

SCHEDULE III.
ACCOUNTING SUMMARY AND REMAINING ASSETS ON HAND

SUMMARY

THE FOLLOWING AMOUNT COMPRISES THE AGGREGATE TOTAL OF: (strike one of the following)

~~ESTATE ASSETS PER INVENTORY~~ OR ESTATE ASSETS ON HAND AT END OF LAST ACCOUNTING	$44,016.66	
RECEIPTS DURING ACCOUNTING PERIOD (See Schedule I)		
Total Principal Receipts (Col. a)	-0-	
Total Income Receipts (Col. b)	1,242.74	
Total Capital Gains – (On assets sold or converted) (Col. c)	5,737.70	
TOTAL ACCOUNTABLE ASSETS		$50,997.10
DISBURSEMENTS AND CAPITAL LOSSES DURING ACCOUNTING PERIOD (See Schedule II)		
Total Disbursements (Col. d)	$2,733.33	
Total Capital Losses -- (On assets sold or converted) (Col. e)	150.00	
LESS AGGREGATE OF DISBURSEMENTS AND CAPITAL LOSSES DURING ACCOUNTING PERIOD		2,883.33
REMAINING ESTATE ASSETS ON HAND AT END OF ACCOUNTING PERIOD		$48,113.77*

REMAINING ASSETS OF ESTATE ON HAND ARE

(*Aggregate value of Remaining Assets on hand must correspond with the above item marked by asterisk for report to be accurate.)

Balance, guardianship checking account, City Bank & Trust	$ 5,113.77
Balance, savings account, City Bank & Trust	7,000.00
Certificate of Deposit No. 003002, Third Federal Savings & Loan	6,000.00
Certificate of Deposit No. 004003, Fifth National Bank & Trust	10,000.00
Certificate of Deposit No. 004004, Fifth National Bank & Trust	20,000.00
TOTAL	$48,113.77*

(Verification)

John Smith, Guardian

Attorney for Guardian

.....(address and phone number).....

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ANNUAL ACCOUNTING OF JOHN SMITH, GUARDIAN COVERING ACCOUNTING PERIOD COMMENCING 9/30/76 AND ENDING 12/31/76

SCHEDULE I. RECEIPTS DURING ACCOUNTING PERIOD

Date	Brief Description of Items		(a) Principal	(b) Income	(c) Capital Gains
10/04/76	Social Security for October			$ 164.00	
	Civil Service Annuity for October			112.89	
10/15/76	Proceeds from sale of 200 shares of AT&T common stock:	$12,600.00			
	Inventory valuation:	-12,050.00			
	Capital Gain:		$ 550.00		$ 550.00
10/31/76	Gross proceeds from sale of real estate, including $20 insurance proration:	$33,020.00			
	Less closing costs charged to Seller:				
	Title Ins. $ 186.00				
	Doc. Stamps and surtax 135.30				
	Proration R.E. taxes 145.00				
	Payoff first Mortgage 2,366.00				
		-2,832.30			
	(Net Proceeds of Sale)	$30,187.70			
	(Inventory valuation)	-25,000.00			
	(Capital Gain)		$ 5,187.70		5,187.70
10/03/76	New York City Police Pension Fund			166.66	
	Social Security for November			164.00	
	Civil Service Annuity for November			112.89	
12/03/76	New York City Police Pension Fund			166.66	
	Social Security for December			164.00	
	Civil Service Annuity for December			112.89	
12/31/76	Interest, Savings Account, Third Federal Savings & Loan Association			78.75	
	TOTALS		-0-	$1,242.74	$5,737.70

SCHEDULE II. DISBURSEMENTS AND CAPITAL LOSSES

Date	Brief Description of Items	Check No.	(d) Disbmts.	(e) Capital Losses
10/04/76	Deposit to attorney for costs	1	$ 200.00	
	XYZ Insurance Agency – Bond	2	35.00	
10/15/76	Green Gardens Nursing Home – care of ward for October @ 27 per day	3	837.00	
	John Smith – reimburse for purchase of robe, slippers and candy for ward	4	14.33	
10/31/76	Proceeds from sale of furniture and furnishings: $350.00			
	Inventory valuation: -500.00			
	Capital Loss: ($150.00)			$150.00
11/03/76	Green Gardens Nursing Home – care of ward for November	5	810.00	
12/03/76	Green Gardens Nursing Home – care of ward for December	6	837.00	
	TOTALS		$2,733.33	$150.00

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B. [§7.4] Form For Petition For Discharge

IN THE CIRCUIT COURT FOR
..... COUNTY, FLORIDA
PROBATE DIVISION

IN RE: GUARDIANSHIP OF

File Number .....

.....
Incompetent

Division.....

PETITION FOR DISCHARGE OF GUARDIAN

Petitioner, ..., alleges:

1. The need for the continuation of this guardianship no longer exists by reason of the fact that

[insert reason]

2. Petitioner .....has filed/files..... with this petition a final return containing a full and correct account of all receipts and disbursements of all the ward's property in petitioner's control since .....the last return was filed/the commencement of the administration of this guardianship.....

3. Petitioner has distributed all of the remaining assets of the ward to the personal representative, as evidenced by the receipt filed with this petition.

4. Petitioner has faithfully discharged all duties as guardian.

WHEREFORE, petitioner requests that an order be entered approving all accountings not previously approved, discharging petitioner as guardian and releasing the surety on petitioner's bond from any further liability on it.

Under penalties of perjury I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

Dated: .....

_____
Petitioner

_____
Attorney for Petitioner

.....(address and phone number).....

I certify that a copy of the foregoing has been furnished to .....
by ..... on .....(date).....

_____
Attorney

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APPENDIX C:

Fact Sheet

National Institute of Mental Health

Fact Sheet:

Center for Studies of the Mental Health of the Aging
Gene D. Cohen, M.D., Chief

SENILE DEMENTIA (ALZHEIMER'S DISEASE)

What It Is:
What It Is Not:

Senile dementia is not a normal part of aging. It is not something that inevitably happens in later life. Rather, it is a disease of unknown cause (hardening of the arteries or arteriosclerosis, contrary to popular belief, is not the cause) that affects only a small percentage of older adults. It is the exception, rather than the rule, in old age. Only about 5 to 6 percent of older persons develop senile dementia. This, of course, still amounts to a lot of people--over a million, since there are more than 22 million in the 65-and-older age group. When senile dementia does occur, its onset is usually in the seventies and only rarely before age 65. When the disease occurs before age 65, it may be called presenile dementia. The term "Alzheimer's Disease" is often used to describe senile dementia, whether it occurs after or before age 65. Senile dementia is at present known to be an incurable disease in which abnormal changes in the tissue of the brain result in many general symptoms. Heredity plays a small role in the disease, genetic studies showing only a slight increase in its incidence in other family members. That is, the risk of someone else in the family getting the disease is low, only a little more than the likelihood for the population as a whole.

The Symptoms and the Clinical Cause of the Disease:

The onset of senile dementia is usually very slow and gradual. Over time, however, it follows a progressively serious and deteriorating course. Among the various symptoms that typically develop, none is unique to senile dementia. Many other conditions--both physical and psychological--can mimic senile dementia at its various stages. It is therefore essential for suspicious changes to be thoroughly evaluated before they become inappropriately or negligently labeled senile dementia.

Problems of memory, particularly recent or short-term memory, are common in the early stage of the disease. For example, the individual may, on repeated occasions, forget to turn off the oven or may not recall which of the morning's medicines were taken. Mild personality changes, such as less spontaneity or a sense of apathy and a tendency to withdraw from social interactions, occur early in the illness. As the disease progresses, problems in abstract thinking or in intellectual functioning take place. The individual may begin to have trouble with figures when working on bills, with understanding what is being read, or with organizing the day's work. Further disturbances in behavior, such as being agitated, irritable, quarrelsome, and less neat in appearance, may also be seen at this point. Later in the course of the disease, the afflicted

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service
Alcohol, Drug Abuse, and Mental Health Administration
5600 Fishers Lane

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may become confused or disoriented about what month or year it is and be unable to describe accurately where they live or to name correctly a place being visited. Eventually they may wander, not engage in conversation, become inattentive and erratic in mood, uncooperative, incontinent with loss of bladder and bowel control, and, in extreme cases, totally incapable of caring for themselves.

Though the changes just described represent the general range of symptoms for senile dementia, the specific problems, along with the rate and severity of decline, vary with the individual. Also, the reaction of the individual to his illness, the capacity to cope with it, varies, depending on what the lifelong personality has been like and on the stress caused by the immediate environment. Thus, other problems, such as depression, severe uneasiness, and paranoia or delusions, may result from the disease. These associated symptoms or reactions, however, can often be alleviated by appropriate interventions.

The Problem of Accurate Diagnosis: Other Disorders Confused with Senile Dementia:

Senile dementia is one of the most overdiagnosed and misdiagnosed disorders of the mind. Part of the problem, already alluded to, is the many other disorders whose symptoms resemble those of senile dementia, especially head injuries and conditions that cause irritation to brain tissue. The crucial difference, though, is that many of these disorders--unlike that of senile dementia--may be stopped, reversed, or cured with appropriate treatment. But first they must be identified, not dismissed as senile dementia. Conditions in general that bring about abnormal and identifiable changes in brain tissue are called Organic Brain Syndromes (OBS). OBS represents a broad category of diseases and includes senile dementia. Other OBS disorders that can cause problems like those of senile dementia, but at the same time might be reversible, include the following:

A. Trauma: Injuries to the head.

B. Infections: Especially viral or fungal infections of the brain.

C. Metabolic: Thyroid problems, nutritional deficiencies, anemias, etc.

D. Drug Side Effects: Wrong dosages of drugs or combinations with certain other drugs which cause adverse side effects; also alcohol.

E. Toxic: Carbon monoxide, methyl alcohol, etc.

F. Circulatory: Strokes, heart problems, etc.

G. Tumors: Any type within the skull.

H. Neurological: Normal-pressure hydrocephalus, multiple sclerosis, etc.

In addition to these organic brain syndromes, several psychiatric problems can also be confused with senile dementia. A classic example here is with "pseudo-dementia." Pseudo-dementia is actually a severe form of depression which, in the elderly, appears identical to senile dementia, but pseudo-dementia, like other depressions, can be reversed.

Questions about memory or forgetfulness cause too many people to jump to stereotypes about "senility." The word "senility" itself is misleading. It is not a medical term and has no agreed-upon meaning. Rather, it seems to be loosely used to describe vague concepts about changes in later life, especially memory changes. But many memory changes are only temporary, such as those that occur with bereavement or any stressful situation that makes it hard to concentrate. In fact, older people are often accused or accuse themselves of memory changes which are

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not really taking place. If a person in his thirties misplaces keys or a wallet, forgets the name of a neighbor, or calls one sibling by another's name, nobody gives it a second thought. But the same forgetfulness for people in their seventies may raise unjustifiable concern. Moreover, rigorous studies on intelligence in later life show that healthy people who stay intellectually active maintain a sharp mind throughout the life cycle.

The Importance of a Comprehensive Medical Evaluation:

Because of the many other disorders that can be confused with senile dementia, a comprehensive medical evaluation is essential for a diagnosis of symptoms that look like those of senile dementia. Such an assessment should include a thorough general medical workup in addition to extensive neurological and psychological studies. The family physician can be consulted about the best way to get the necessary examinations.

Treatment:

Several areas that need to be considered with regard to treatment for senile dementia include treatment for the disease itself, intervention to assist the individual with his adjustment and psychological reaction to the illness, attention to what can be done to improve conditions in his immediate environment and living arrangement, and support for his family.

As for the disease itself, there is no available treatment at present that can cure it, reverse it, or stop its progression. Several drugs and techniques, such as the use of hyperbaric oxygen, have been tried but have not been successful. Indeed, some of the drugs used are not without risk. The hyperbaric oxygen technique can be expensive and has been shown to be of no value. Careful and expert consultation should be sought whenever the use of new or experimental drugs or techniques is considered. At present, then, the treatment approach to the disease itself is one of helping the afflicted individual through the course of the disorder to maintain as much comfort and dignity as possible. On the other hand, treatment can have a positive impact on other forms of organic brain syndrome and on various psychiatric disorders which are confused with senile dementia.

There are several interventions that can assist the person with senile dementia who is experiencing disturbing psychological or adjustment reactions to the illness. Such interventions include emotional support from the family, at times supplemented by therapy from a mental health professional. The judicious use of drugs is often helpful, especially when delusions or severe agitation are present. There are also specialized behavioral techniques to help the individual use to the maximum his reserve strengths and potentials. Some clinicians believe that such techniques (for example, reality orientation) might slow the progression of the disorder itself, but this remains a controversial issue.

Altering the individual's immediate environment can be helpful from several perspectives. There is the matter of safety, as in the need to protect the person from wandering toward a stairway and subsequently falling. There is the matter of lowering the frustration level, such as placing different cues in the immediate environment to combat memory loss and to reduce resulting stress and disorganization. There is the matter of finding the most protective but least restrictive setting for care which at some point may involve a move away from home to a care facility well-equipped to deal with those who have senile dementia.

Not to be overlooked is the need for assistance to the family as a whole. Particularly when the person with senile dementia is staying with the family, a homemaker or other aide might be sought. As the disease progresses, the family often experiences tremendous stress and pain at seeing unsettling changes in their loved one, and they

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commonly feel guilty over not being able to do enough. To the extent that family members can offer emotional support to each other and perhaps seek professional consultation, they will be better prepared in helping their loved one manage the illness and in coming to know the limits of what they themselves can reasonably do.

Outlook:

As a final point, national and international interest in studies on the cause and treatment of senile dementia is rising dramatically. In the United States, three Federal programs are actively stimulating research proposals in this area. The National Institute of Mental Health (NIMH), the National Institute on Aging (NIA), and the National Institute on Neurological and Communicative Disorders and Stroke (NINCDS) have collaborated in developing important new programs aimed at answering more questions about this very serious disease.

This material is derived from an interview with Gene D. Cohen, M.D., on the television program "Over Easy" in February 1979. Dr. Cohen is Chief, Center for Studies of the Mental Health of the Aging, Division of Special Mental Health Programs.

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Florida State Guardianship Association, Post Office Box 6, Wachula, Florida 33873, (813) 773-6511.

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ALZHEIMER'S DISEASE:

ADRDA (Alzheimer's Disease and related Disorders Association), 360 North Michigan Avenue, Chicago, Illinois 60601, (312) 853-3060.

Greater Tampa Chapter Monthly Meetings of the Family Support Group. Call 886-9721 for information, Quarterly newsletter, send $12 yearly dues to: ADRDA Greater Tampa Chapter c/o Pat Geasa, Treasurer, 4812 Wynwood Drive, Tampa, Florida 33615

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